

**Item No:** C0717 Item 8  
**Subject:** **PLANNING PROPOSAL: 58-76 STANMORE ROAD, 2-20 TUPPER STREET AND 3-9 ALMA AVENUE, STANMORE**  
**File Ref:** DA201600244/68241.16  
**Prepared By:** Maxine Bayley - Strategic Planner and Peter Wotton - Strategic Planning Projects Coordinator  
**Authorised By:** Simon Manoski - Group Manager Strategic Planning

### **SUMMARY**

Council received a planning proposal request for 58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Avenue, Stanmore on 24 May 2016. A number of amendments were made to the planning proposal in response to issues raised by Council officers during the assessment process.

It is considered that the proposal has strategic merit, however further design refinement is required. This report recommends that Council give in principle support for the planning proposal subject to the imposition of conditions on the Gateway Determination as detailed in this report with a revised urban design scheme required prior to exhibition, to ensure that the proposed development is appropriate and provides suitable amenity for all users of the site and adjoining areas.

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### **RECOMMENDATION**

**THAT Council:**

1. **Support the planning proposal request for 58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Avenue, Stanmore to rezone the land to facilitate the redevelopment of the site to include a new club premises, commercial floor space, a public plaza and residential accommodation with associated basement car parking subject to the following amendments:**
  - (a) **The Land Zoning for Site C being amended to R3 Medium Density Residential;**
  - (b) **Inclusion of MLEP 2011 Schedule 1 additional permitted use of a 'residential flat building' as part of a mixed use development;**
  - (c) **Maximum height of building controls and number of storeys to be applied across the site as detailed in this report;**
  - (d) **Floor space ratio controls to be developed for each site should the proposal obtain Gateway approval.**
2. **Request the applicant to update the planning proposal report and associated documentation to ensure consistency between all documents;**
3. **Forward the planning proposal to the Minister for Planning for a Gateway determination in accordance with Section 56 of the *Environmental Planning & Assessment Act 1979*;**
4. **Request that Council be delegated plan making functions in relation to the planning proposal;**
5. **Resolve to develop site specific planning controls to apply to the future development at 58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Avenue, Stanmore for inclusion in MDCP 2011 Part 9.9 (Newington Precinct 9) consistent with the advice contained within this report and that the site specific controls be publicly exhibited concurrently with the planning proposal; and**
6. **Consider the Voluntary Planning Agreement (VPA) offer in accordance with Council's interim VPA Policy.**



**BACKGROUND**

Design details In September 2015 Council received a request for pre-planning proposal advice regarding the subject site. Council officers reviewed the documentation and provided written advice on the proposal, including comments from Council's AEP, in February 2016.

The planning proposal request was lodged with Council on 24 May 2016. A full copy of the proposal is included as **ATTACHMENT 1**.

Following an initial assessment process, Council forwarded a letter of issues to the applicant in December 2016. The applicant's response was referred to Council's Architectural Excellence Panel (AEP) for their further consideration in March 2017. A meeting was then held with the applicants in March 2017 to discuss the contents of the AEP's advice and Council's final position regarding the application.

A further meeting was held with the applicants on 8 June 2017 and a subsequent letter, dated 14 June 2017, was sent to the applicant identifying issues with certain components of the revised scheme. The letter also requested further documentation in relation to certain aspects of the proposal.

The applicant's written response to the Council's letter is included as **ATTACHMENT 2**.

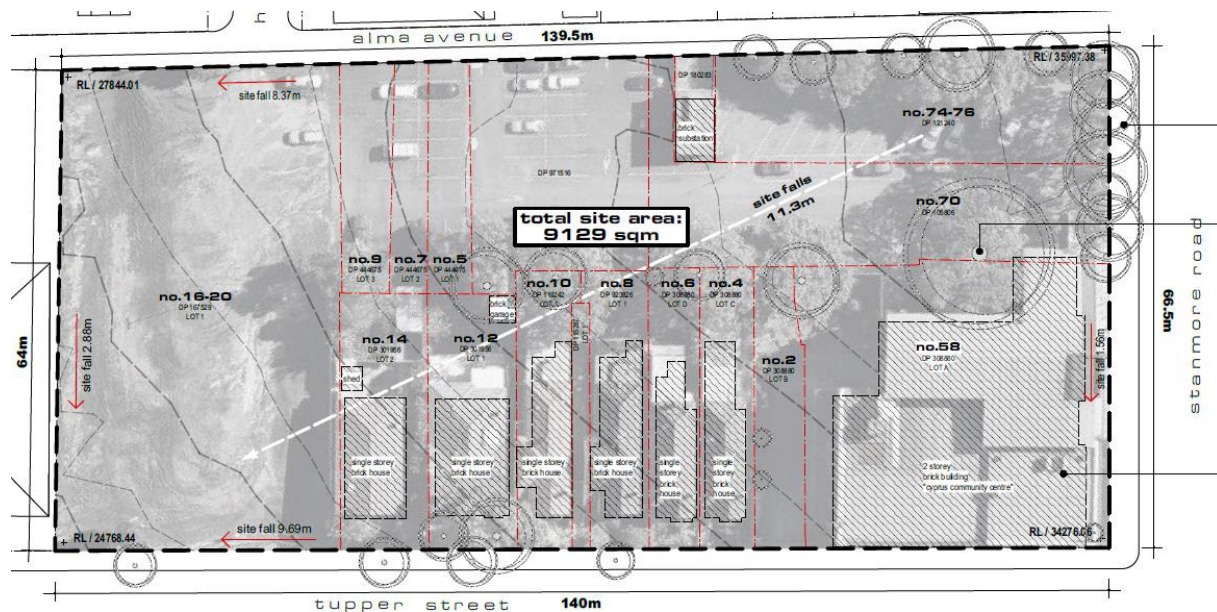
**DISCUSSION**

The subject site is currently zoned RE2 Private Recreation (58-76 Stanmore Road, 3-9 Alma Avenue and 20 Tupper Street), SP2 Electricity Supply (electrical substation on land fronting Alma Avenue) and R2 Low Density Residential (2-14 Tupper Street) under MLEP 2011. The subject site has a combined site area of 9,206 square metres (including the substation lot). The Alma Avenue frontage of the development site (excluding the Alma Avenue frontage of the property 20 Tupper Street) is shown on the MLEP 2011 Land Reservation Acquisition Map for the purposes of local road widening.

Note: As part of the planning proposal, known as Marrickville Local Environmental Plan 2011 (Amendment No. 4), the former Marrickville Council resolved to place a Local Road (SP2) Reservation on the Alma Avenue frontage of the property 20 Tupper Street.

The subject site is bounded by Stanmore Road to the north, Tupper Street to the east and Alma Avenue to the west. The southern boundary of the subject site abuts a residential flat building on 22 Tupper Street. The site has a frontage of approximately 67 metres to Stanmore Road and 140 metres to both Alma Avenue and Tupper Street. The land slopes away from the northern portion of the site to the south and contains a fall of approximately 11 metres.

The subject site comprises twelve separate properties, all of which are owned by the applicant with the exception of the electrical substation which the applicant is in the process of acquiring. As the land on which the substation is sited is critical to the progression of the proposal in its current form, the planning proposal application has been assessed including that land. The extent of the subject site is shown at Figure 1.



**Figure 1: The Subject Site**

The site currently contains the Cyprus Club which is a three part four storey building located on the north eastern corner of the site. The club currently contains bars, a restaurant and function rooms. The north western portion of the site contains an at grade car parking area and several established trees. The western portion of the site contains a continuation of the car parking area and a collection of mature trees. The southern part of the site contains a vacant lot which is grassed but otherwise devoid of any significant vegetation. The eastern portion of the site, facing Tupper Street, contains six freestanding residential dwelling houses which are all single storey (shown as numbers 4 to 14 in Figure 1). A small electrical substation exists in Alma Avenue which is proposed to be acquired by the proponents.

Vehicular access is currently provided to the at grade car parking area via Alma Avenue only.

The surrounding area is predominantly residential and contains a mix of built forms, ranging from single dwelling houses to four storey residential flat buildings. Stanmore Road contains a mix of residential typologies and an increasing number of commercial properties heading towards the main commercial strip of Enmore Road.

To the south, the site is directly adjoined by a three part four storey residential flat building that fronts Tupper Street with a minimal setback. Further to the south development fronting Tupper Street consists of a mixture of single dwelling houses and residential flat buildings. To the north, on the opposite side of Stanmore Road, the site is adjoined by two and three storey terrace houses contained within a Heritage Conservation Area. The properties 61-75 Stanmore Road on the northern side of the Stanmore Road directly opposite the site are listed as part of Heritage Item No. I242. To the east, the site is adjoined by a relatively large residential flat building on the corner of Tupper Street and Stanmore Road, with single storey dwelling houses to the south of this building. To the west, on the opposite side of Alma Avenue the site is adjoined by a small number of dwelling houses, one of which (6 Alma Avenue) is a listed Heritage Item (Item No. I29). Setbacks within the area vary significantly, particularly on the eastern side of Tupper Street, where residential flat buildings are setback further from the road than dwelling houses.

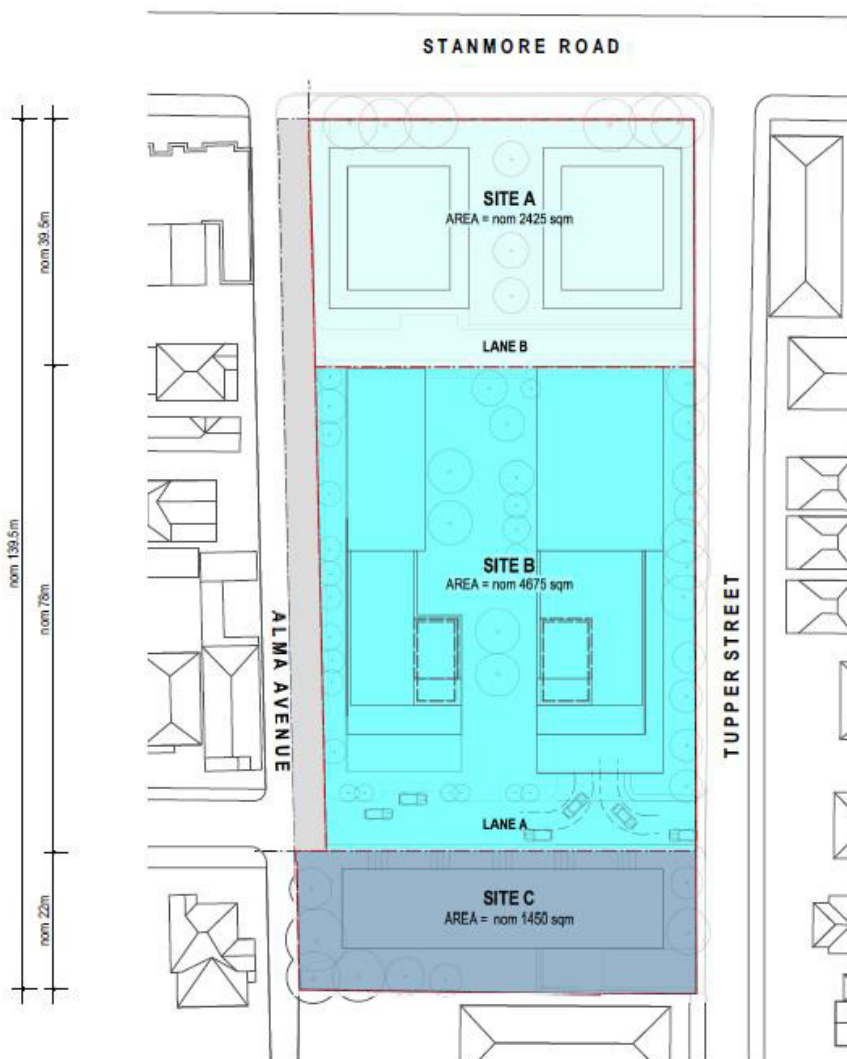
The streets within the precinct are narrow, with Alma Avenue operating as a one way street due to its limited width. Residential blocks tend to be long and run in an east-west direction. Connectivity from east to west is limited, restricting vehicular and pedestrian access. The subject site is within walking distance of the Enmore Road commercial area and is serviced by buses which operate along Stanmore and Enmore Roads. The site is approximately 800

metres from Stanmore railway station. The area suffers from an overall lack of open space areas. A small pocket park, known as Newington Road playground is located approximately 200 metres from the southern edge of the site. A larger open space area, known as Ryan Park, is located approximately 250 metres from the site along Stanmore Road. Enmore Park is approximately 800 metres from the site.

**Proposed Development**

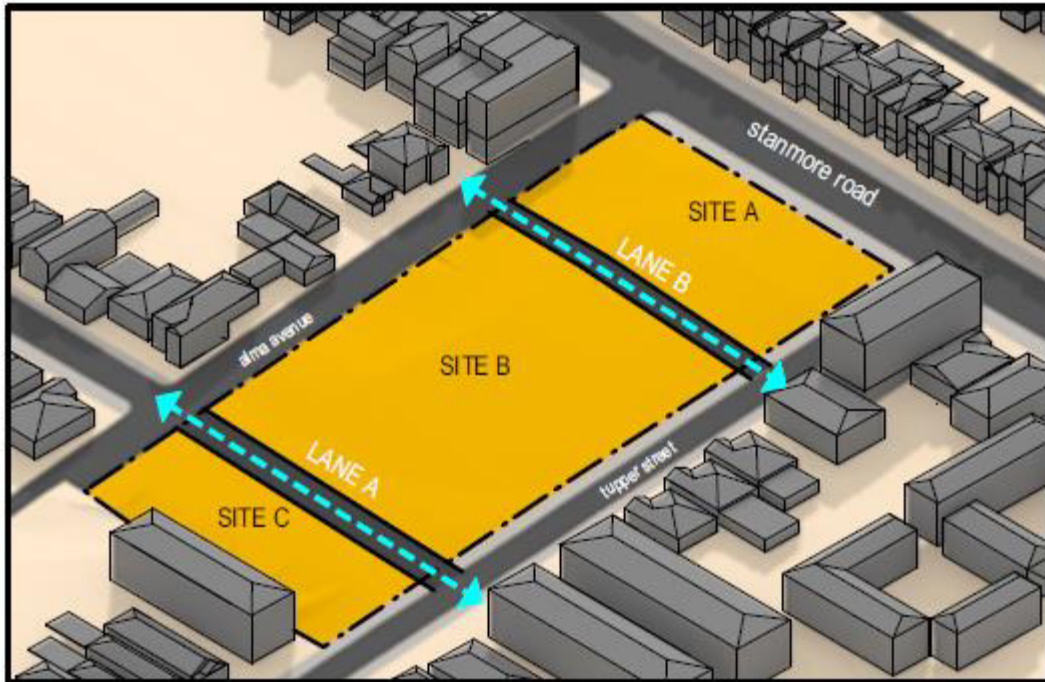
Indicative concept design plans were submitted with the application, including an Urban Design Study. The concept plans propose:

- Demolition of all existing improvements on the site;
- Consolidation of all existing lots; and
- Division of land into three sites: Site A, Site B and Site C as shown in Figure 2.



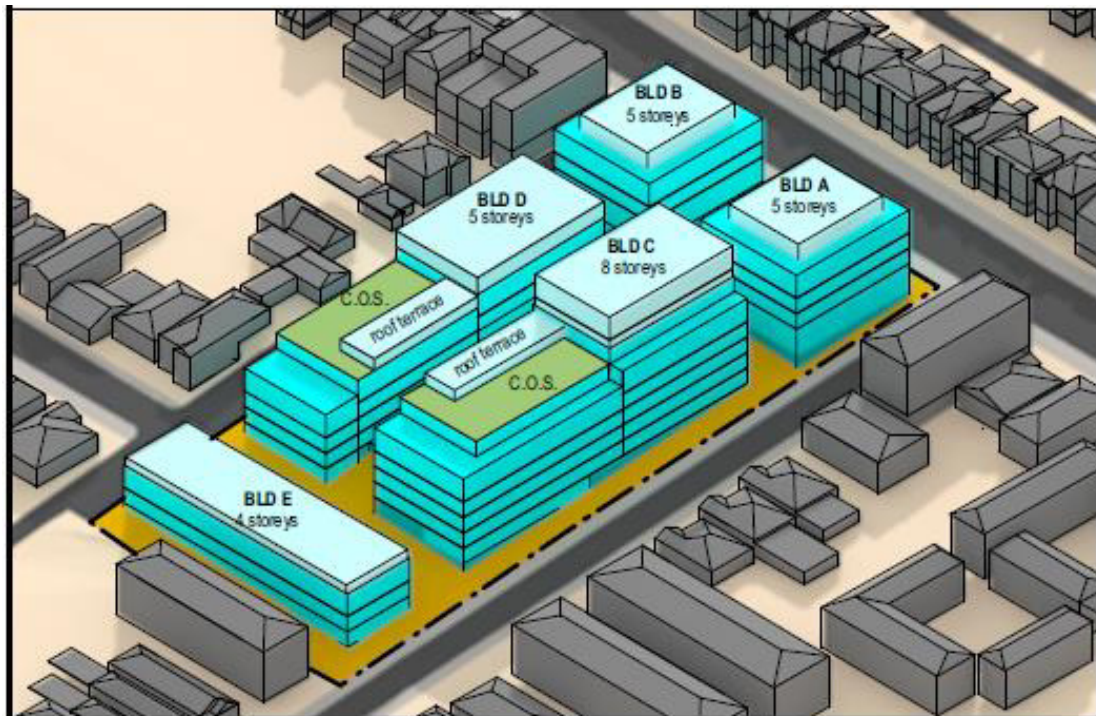
**Figure 2: Proposed site layout**

- Creation of two laneways between Site A and Site B (Lane B), and Site B and Site C (Lane A) as shown in Figure 3;
- Basement car parking for residential, commercial and club activities on Site A to be accessed via Lane B;
- Basement car parking for residential uses on Site B to be accessed via Lane A;
- Car parking for Site C to be accessed via Tupper Street; and
- Widening of Alma Avenue from Stanmore Road up to the northern alignment of Site C.



**Figure 3: Proposed development including laneways and buildings**

- Site A to contain a new club facility (Building B), commercial premises (Building A) and residential flat buildings (Buildings A and B) up to 5 storeys in height;
- Site B to contain two residential flat buildings up to 8 storeys in height; and
- Site C to contain attached dwellings up to 4 storeys in height as shown in Figure 4.



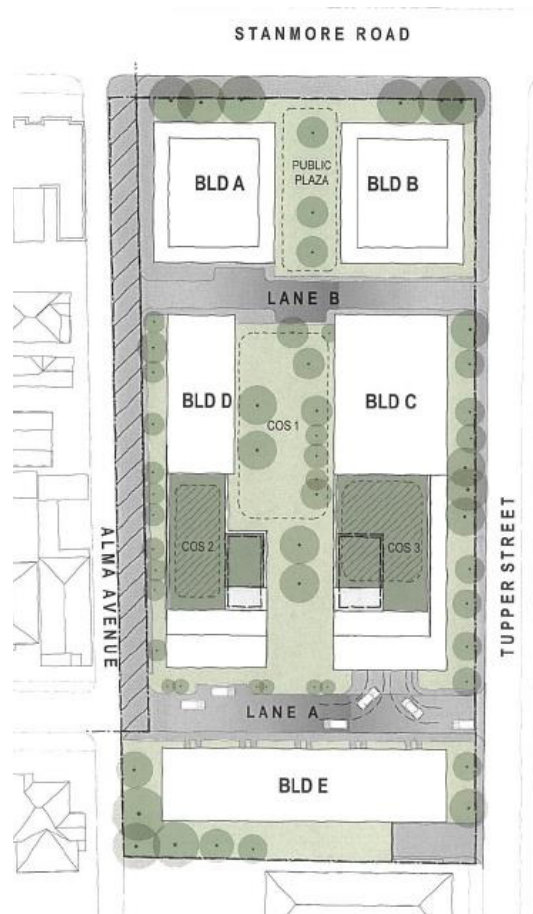
**Figure 4: Proposed buildings locations and heights**

A summary of the proposal for each site is included in Table 1 below:

| PROPOSED                                  | Site A   | Site B   | Site C                 |
|---|--|--|------------------------|
| Land Use zone (proposed)                  | B4 Mixed Use   | R1 General Residential                           | R1 General Residential |
| Uses                                      | Building A – club and residential<br>Building B – commercial and residential | Residential (residential flat buildings)         | Residential (terraces) |
| Height of Building (maximum)              | 21 metres  | 28 metres  | 14 metres              |
| Height in storeys (maximum)               | Building A – 5 storeys<br>Building B – 5 storeys                             | Building C – 8 storeys<br>Building D – 5 storeys | 4 storeys              |
| Site Area                                 | 2,425m <sup>2</sup>  | 4,675m <sup>2</sup>                              | 1,450m <sup>2</sup>    |
| Gross Floor Area                          | 4,250m <sup>2</sup>  | 9,350m <sup>2</sup>                              | 2,100m <sup>2</sup>    |
| Floor Space Ratio (excluding car parking) | 1.75:1   | 2.0:1  | 1.84:1                 |

**Table 1: Summary of proposal for each proposed site**

The proposal includes the provision of a public plaza located between Buildings A and B on Site A which will also serve as an access point into Buildings A and B. Communal and private open space is to be provided between Buildings C and D on Site B. The revised scheme also shows common open space provided to the rooftop areas of Buildings C and D. This space is not proposed to be publicly accessible. **Figure 5** shows the proposed open space areas within the site.



**Figure 5: Proposed open space areas**

The subject site is not a listed heritage item nor contained within a heritage conservation area. The site is located adjacent to a Heritage Conservation Area located on the northern side of

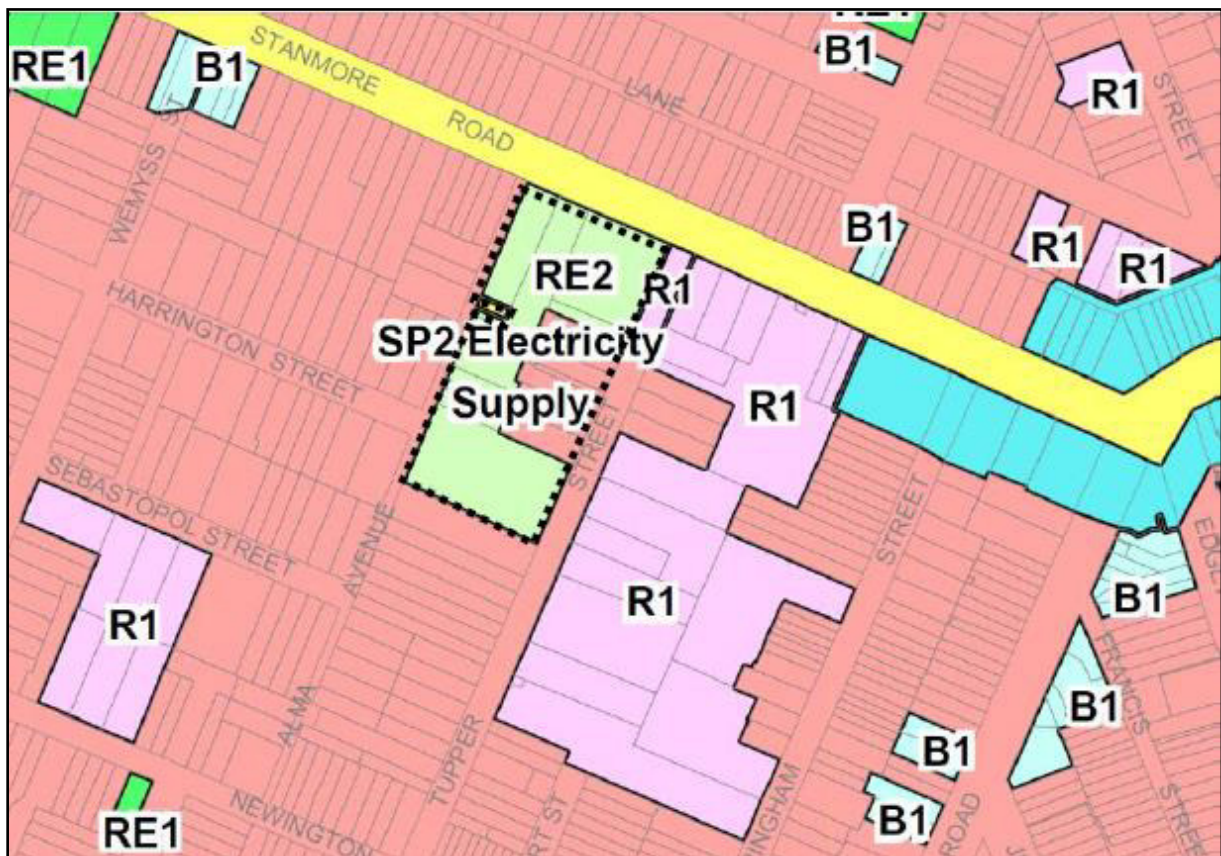
Stanmore Road (Kingston South Heritage Conservation Area No. 17). It is also located adjacent to existing Heritage Items at 6 Alma Avenue (Item No. I29) and 61-75 Stanmore Road (Item No. I242).

**Comment**

Intensification of development on the site is supported as currently the site is underutilised. The division of the site into three separate sites is also supported as it would create improved accessibility through the site and assist access for the wider area, and assist to break up the bulk of the development.

**Land Use Zoning**

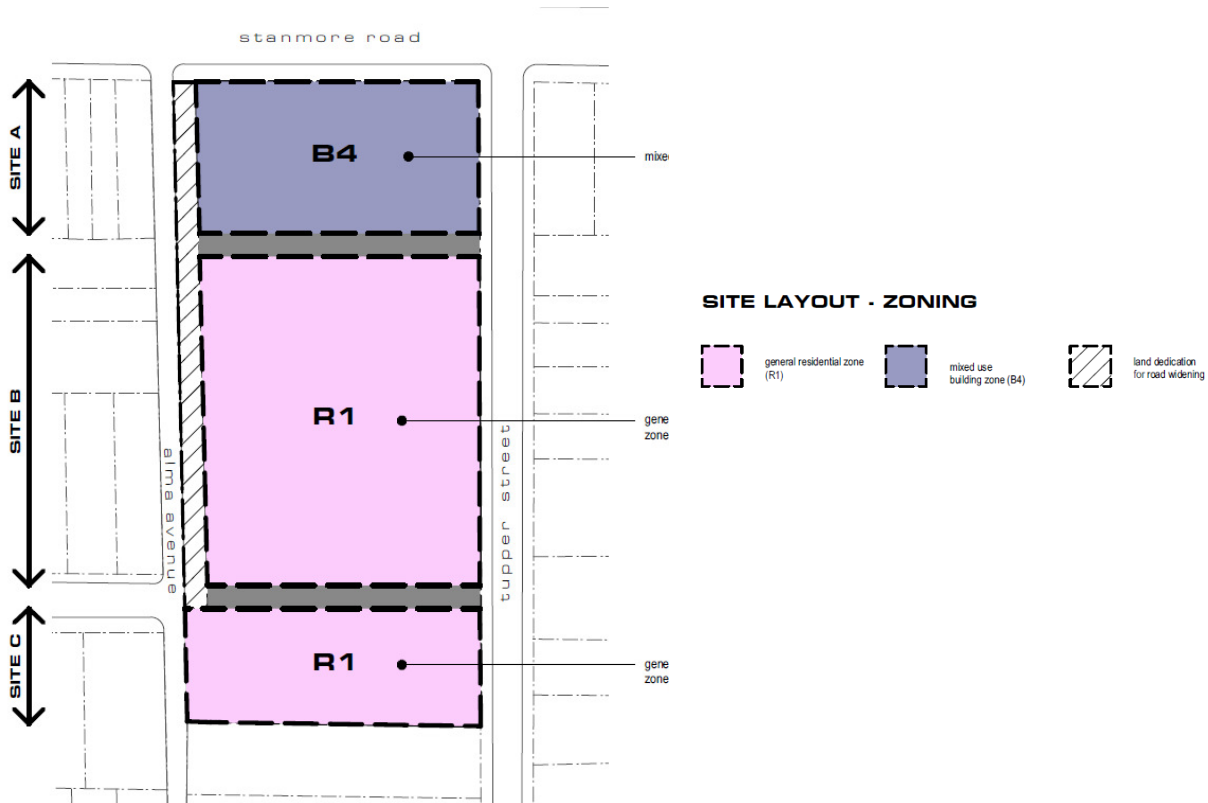
The subject site is currently zoned RE2 Private Recreation (58-76 Stanmore Road, 3-9 Alma Avenue and 20 Tupper Street), SP2 Electricity Supply (electrical substation fronting Alma Avenue) and R2 Low Density Residential (2-14 Tupper Street) under MLEP 2011 as shown in Figure 6 below.



**Figure 6: MLEP 2011 Current land zoning of subject site and environs**

The planning proposal request seeks to rezone the land to B4 Mixed Use and R1 General Residential. Figure 7 shows the proposed zoning for the site sought in the planning proposal.





**Figure 7: Proposed land use zoning for subject site**

The MLEP 2011 objectives for the B4 Mixed Use and R1 General Residential zones are as follows:

**B4 Mixed Use**

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To support the renewal of specific areas by providing for a broad range of services and employment uses in development which display good design.
- To promote commercial uses by limiting housing.
- To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house.
- To constrain parking and restrict car use.

**R1 General Residential**

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for retail premises in existing buildings designed and constructed for commercial purposes.
- To provide for office premises in existing buildings designed and constructed for commercial purposes or as part of the conversion of existing industrial or warehouse buildings.

**Comment**

**Proposed B4 Mixed Use zoning for Site A**

The B4 Mixed Use zone generally supports the uses proposed within the planning proposal. However, the B4 Mixed Use zone does not permit new residential accommodation in a form other than 'shop top housing' which is defined as:

*shop top housing means one or more dwellings located above ground floor retail premises or business premises.*

Building B on Site A proposes a residential flat building above a registered club. A registered club is defined as:

*registered club means a club that holds a club licence under the [Liquor Act 2007](#).*

Whilst registered clubs are permitted with consent in the B4 Mixed Use zone, a 'registered club' is not a type of 'retail premises' or 'business premises' and, consequently, Building B would not fall under the definition of 'shop top housing' within MLEP 2011. Building B would be considered a 'mixed use' development incorporating a 'registered club' and a 'residential flat building'. As 'residential flat buildings' are prohibited in the B4 Mixed Use zone, a Schedule 1 inclusion to permit a 'residential flat building' as part of a mixed use development would be required to apply to Site A to facilitate the proposed development on that land.

To ensure the proposed building typologies are permissible in the B4 Mixed Use zone, it is recommended that a Schedule 1 additional permitted use be added to MLEP 2011 as follows:

**22 Use of certain land at 58-76 Stanmore Road, Stanmore**

*(1) This clause applies to land at 58-76 Stanmore Road, Stanmore, shown coloured blue and identified as "K" on the [Key Sites Map](#).*

*(2) Development for the purpose of a residential flat building is permitted with consent, but only as part of a mixed use development.*

***Proposed R1 General Residential zoning for Sites B and C***

The R1 General Residential zone aims to provide a variety of housing types and densities to service the needs of the community. Site B contains two residential flat buildings which are permissible within the R1 General Residential zone. This zone also permits other forms of residential accommodation including attached dwellings and multi dwelling housing. That zone is considered appropriate for the development proposed on that part of the site referred to as Site B.

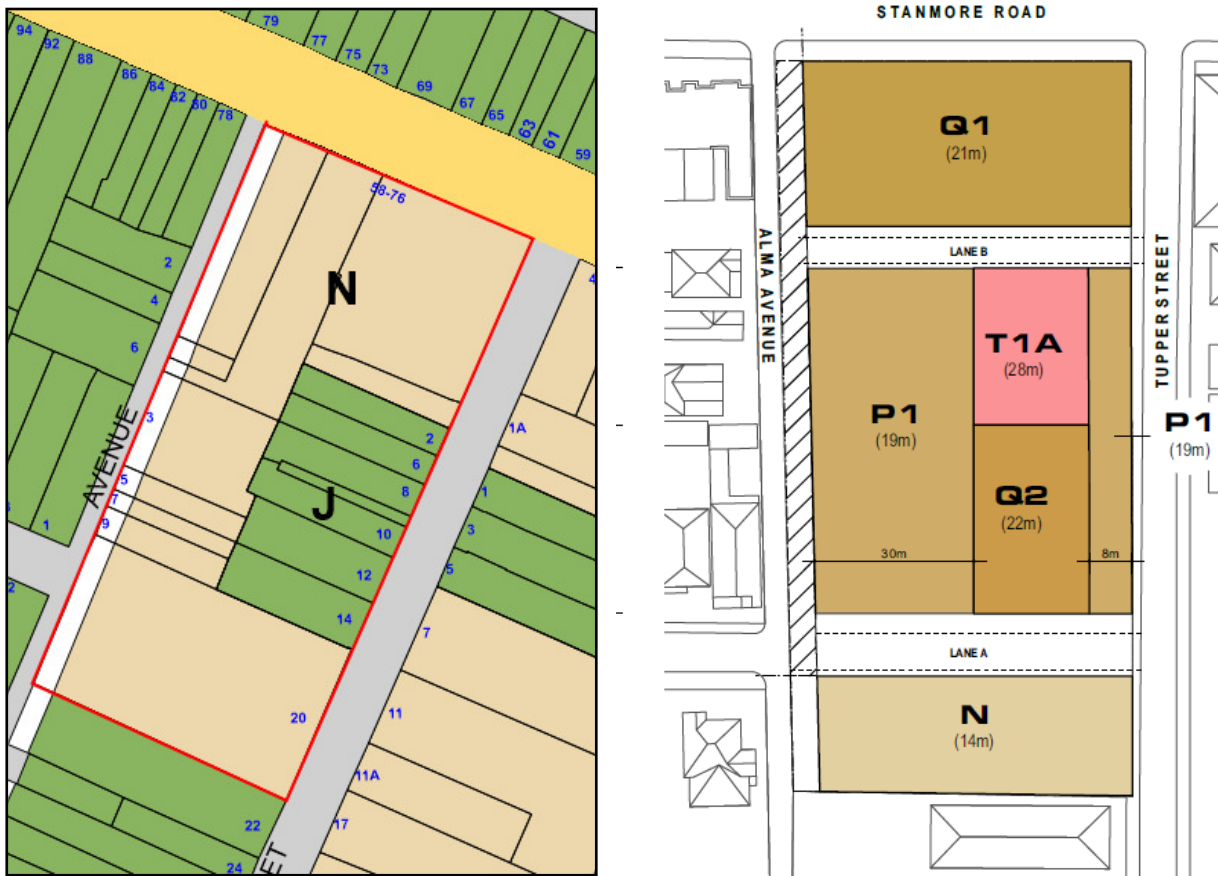
The proposed built form for Site C is for terrace housing. It is considered that that built form would provide an acceptable interface between Site C and adjoining properties. It is recommended that the planning proposal be amended to zone Site C as R3 Medium Density Residential to reflect the proposed built form outcome for the site. The R3 Medium Density Residential zone permits attached dwellings and multi dwelling housing with consent, but does not permit residential flat buildings.

It is recommended that the planning proposal be amended to reflect a R3 Medium Density Residential zoning for Site C to limit the built form for that part of the site to terrace housing, which is considered a suitable response for that part of the site.

**Height of Buildings**

Currently, two height of building controls apply to the subject land under MLEP 2011. A Height of Building control of 9.5 metres applies to the residential dwellings facing Tupper Street known as 4-14 Tupper Street and a Height of Building control of 14 metres applies to the remainder of the site, with the exception of a strip of land fronting Alma Avenue). No Height of Building control applies to the land required for the future road widening of Alma Avenue.

The current and proposed Height of Building controls for the site are included at Figure 8.



**KEY: J = 9.5m, N = 14m, N1= 16m, P1= 19m, Q1=21m, Q2=22m, T1A= 28m**

**Figure 8: Current Height of Building control for the site under MLEP 2011 and Height of Building controls proposed**

The planning proposal request includes a range of building heights from 14 metres to 28 metres to accommodate buildings of up to 8 storeys on the north eastern part of Site B.

The site contains a considerable slope falling from the Stanmore Road frontage to the rear of the site. The proposed building height controls have been considered taking into consideration the topography of the site. Accordingly, this report looks at the proposed height of building controls as well as building heights in storeys.

**Comment**

This matter was assessed in detail by the Architectural Excellence Panel (AEP) and is discussed further in this report.

The central portion of Site B is proposed for a 28 metre Height of Building control (T1A). That height is considered excessive in the context of the site and would potentially allow an 8 storey building to be developed on that part of the site. Prior to public exhibition, this proposed height needs to be reduced as per the recommendation of this report. This matter is addressed in detail later in the report.

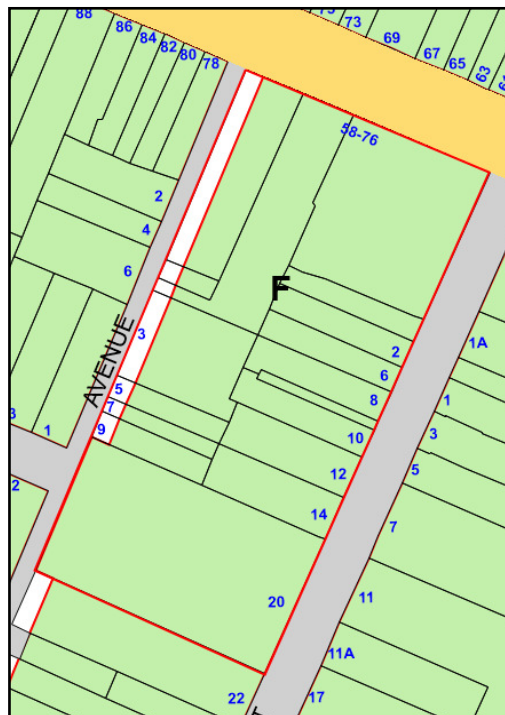
The Height of Building control proposed for Site C is 14 metres. As detailed previously it is recommended that the zoning for Site C be amended from R1 General Residential as proposed to R3 Medium Density Residential. The proponent has previously been advised that the “proposed four storey built form” on Site C is not supported.

The 14 metre Height of Building (HOB) control proposed for Site C is inappropriate for a R3 Medium Density Residential zone which permits multi dwelling housing (vertical dwellings) as opposed to residential flat buildings (horizontal dwellings).

Such a height control is also considered an inappropriate transition to the residential zoned land to the south which has a 9.5 metre Height of Building control under MLEP 2011. The recommended maximum Height of Building control for Site C is 11 metres. Prior to public exhibition, this proposed height for Site C needs to be reduced as per the recommendation of this report.

### **Floor Space Ratio**

The current Floor Space Ratio controls for the site are included at Figure 9.



**KEY: F = 0.6:1 (subject to clause 4.4 of MLEP 2011)**

**Figure 9: Current Floor Space Ratio control for the site under MLEP 2011**

Note: As part of the planning proposal known as Marrickville Local Environmental Plan 2011 (Amendment No. 4) the former Marrickville Council resolved to delete the floor space ratio along the Alma Street frontage of the property 20 Tupper Street proposed to be reserved for Local Road (SP2) purposes.

The proposed floor space ratio for the site is 1.84:1, however the actual floor space ratio for Site A, Site B and Site C varies significantly (see Table 1). The final resolution of floor space ratio on the site (Site A, Site B and Site C) will be dependent on the resolution of the maximum Height of Building controls to be applied across the site.

It is recommended that a separate FSR be set for each of the proposed sections (Site A, Site B and Site C) to ensure that the more sensitive interface areas remain low density development areas.

### **Architectural Excellence Panel**

Pre planning proposal advice was provided to the applicant in December 2015 (see **ATTACHMENT 3**). The AEP considered the application and held an on-site meeting on 28 June 2016. The AEP report on the proposal makes a number of recommendations (see

**ATTACHMENT 4**). An issues letter was sent to the applicant in December 2016. It included, amongst other things, issues raised by the AEP in their advice. Council received a response letter which was forwarded to the AEP for their further consideration in March 2017 (see **ATTACHMENT 5**). The response from the applicant did not involve major modifications to the proposal.

A further meeting was held in June 2017 when the applicant provided additional information responding in more detail to the AEP's comments for the site (see **ATTACHMENT 6**). The information submitted at this meeting has considered the AEP's comments but does not completely align with the advice from the AEP. Accordingly, this report recommends approval of the planning proposal subject to amendments to ensure it more closely aligns with the AEP's advice.

The AEP's March 2017 advice regarding the application and the additional information provided by the applicant is discussed below.

1. *Site-specific Development Control Plan: The preparation of a site-specific DCP, revision of the urban design report and preparation of a vision statement post-Gateway is supported.*

#### **Comment**

This report includes a recommendation for the development of site specific development controls to include matters raised in this report. Inconsistencies exist in the documentation attached to the planning proposal application. These need to be addressed and rectified prior to the public exhibition of the planning proposal.

2. *Car Parking: Panel's recommendations regarding minimisation of onsite car parking remain the same as provided in the report dated 8 July 2016. In addition, the Panel is of the view that the proposed car parking podium results in a poor streetscape and built form outcome and should be reconsidered. Any area of car parking space (podium) that sits more than 1.0m above existing Ground Level should be counted as GFA and as a floor level.*

#### **Comment**

The quantum of car parking provided will be resolved at the development application stage. However, it is agreed that the current proposal's inclusion of extensive underground parking impacts upon the overall design options for the site, particularly in relation to opportunities for deep soil planting and building response to the slope of the site. Accordingly, the site specific DCP controls will, amongst other matters, seek to limit parking to the amount required for the development under the provisions of Part 2.10 of MDCP 2011.

The proposed extrusion of the podium elements will vary across the site depending on the fall of the land. These have the potential to lead to poor built form outcomes, as noted by the AEP. The application should seek to not only minimise the occurrence of those podiums, but also seek to minimise their visual impacts on the development and the surrounding area. The applicant will also need to demonstrate that those podium structures do not impact upon pedestrian movement and accessibility through the site.

Accordingly, it is agreed that any podium element of the building sitting higher than 1.0 metre above existing ground level be counted as a floor level as it will impact upon the bulk and scale of the buildings. The applicant will need to demonstrate that the podiums will not have unreasonable visual or accessibility impacts. Those requirements will be included within the site specific DCP.

3. *Setbacks:*
  - a. *Buildings A and B: side setback to Building A (corner with Alma Avenue) and Building B (corner with Tupper Street) to be 2.0m wide to provide some relief to the streets,*

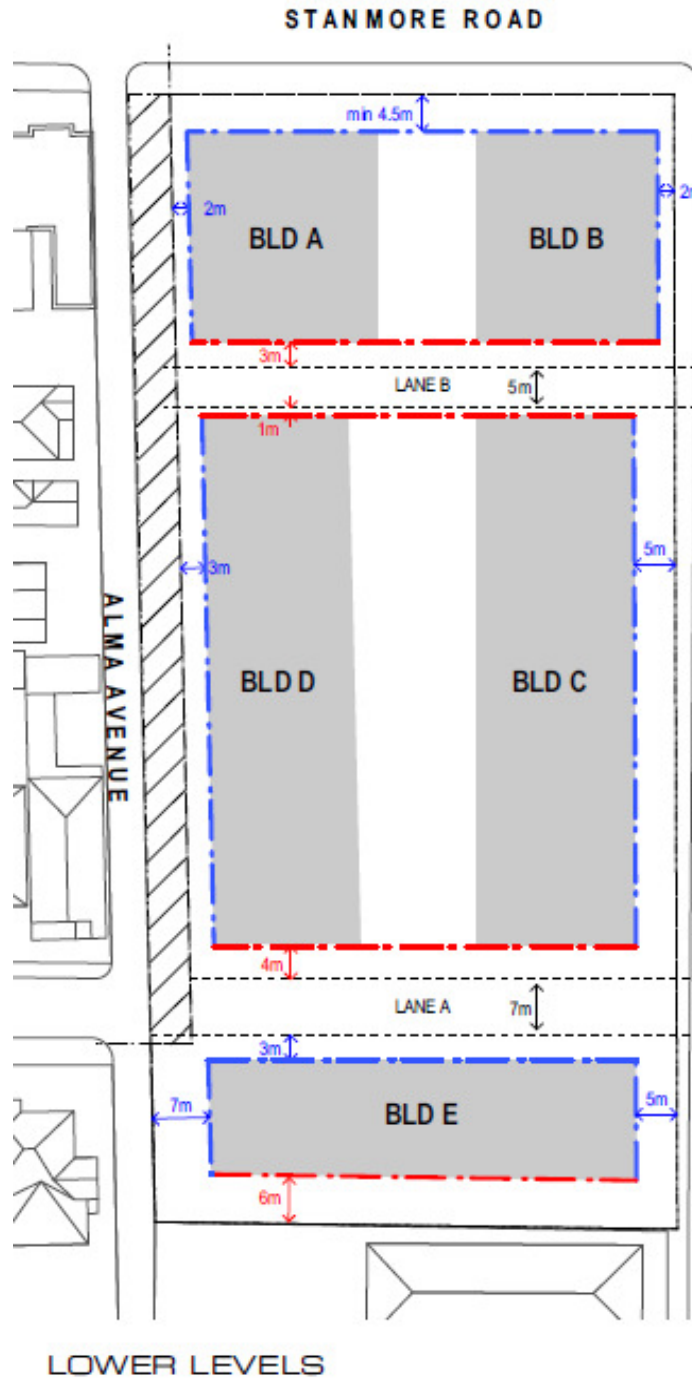
*greater separation from adjoining period buildings, potentially wider footpath, and to create opportunities for landscaping. Front setback to Stanmore Road boundary should be determined to ensure that the existing trees and roots are protected from excavation works. Although the appropriate setback (4.5m or greater) should be determined by Council's tree officer, from a streetscape perspective, the Panel recommends the front setback to Buildings A and B to be consistent.*

- b. Building C: front setback to Tupper Street to be 5.0m to ensure some consistency with the existing streetscape character and allow the provision of a well-sized front yard to the Ground Level units, tree planting and landscaping.*
- c. Building D: front setback to Alma Avenue to be 3.0m to ensure consistency with the existing streetscape character of nearby streets, provide adequate separation and visual relief between new higher-density buildings and existing low-density buildings along Alma Avenue (particularly given that Alma Avenue will be 10.0m wide only) and allow the provision of a small front yard to the Ground Level units and landscaping.*
- d. Building E: the intent to provide a 3.0m wide front setback to Lane A is supported as this will allow north-facing courtyards/landscaped areas to the terraces and provide visual relief and separation between the buildings fronting the lane. Side setback to Tupper Street to be 5.0m.*

**Comment**

The revised scheme presented to Council at the June 2017 meeting aligns with the AEP's setback recommendations for the site.

The proposed lower setbacks are shown in **Figure 10** below:



**Figure 10: Proposed setbacks for lower levels**

Those setbacks align with the AEP’s recommendations. However the setback of Building E from Alma Avenue is shown based on the current alignment of Alma Avenue. As discussed later in this report Council’s Development Engineer has indicated that Council will require the widening of Alma Avenue for the full length of the subject site. The setback of Building E from Alma Avenue should be a minimum of 3 metres from Alma Avenue (after widening).

Accordingly, it is recommended that the site specific DCP include the following setbacks:

| Location | Setbacks   |
|----------|--|
| Site A   | Minimum front setback to Stanmore Road to ensure existing trees and roots are protected from excavation works to be determined by Council’s Investigation and Design Team<br><br>Minimum setback of 2 metres from Alma Avenue (after widening) |

|        |  |
|--------|--|
|        | and Tupper Street  |
| Site B | Minimum 5 metres to Tupper Street<br>Minimum 3 metres to Alma Avenue (after widening)                                      |
| Site C | Minimum 3 metres to Lane A<br>Minimum 5 metre setback to Tupper Street<br>Minimum 3 metres to Alma Avenue (after widening) |

4. Heights and FSR:

- e. *The Panel maintains its view that an 8 to 9-storey building on the subject site is over-scaled and does not fit with the existing context nor the desired future character for the area. It is recommended that building heights are as follows:*
- i. *Buildings A and B: maximum of 4-storeys (14m).*
  - ii. *Building C: maximum of 5-storeys with a six-storey element set back a minimum of 3.0m from Tupper Street front boundary and 6.0m from Lane A side boundary.*
  - iii. *Building D: maximum of 4-storeys (14m).*
  - iv. *Building E: maximum of 3-storeys (11m).*

**Comment**

A revised scheme for the planning proposal was submitted by the proponent during a meeting with officers in June 2017 and is included as **ATTACHMENT 7** to this report. The comments below respond to the revised scheme and the advice provided by the AEP in relation to the proposal.

*Buildings A and B:* The revised scheme proposes a 5 storey built form for Buildings A and B, with the 5<sup>th</sup> storey recessed 3 metres on all sides. Although this is in excess of the 4 storey limit recommended by the AEP, it is considered suitable due to its Stanmore Road frontage. A control is to be included in the site specific planning controls for the site to minimise the visual impact of balconies or other structures on the building facades, particularly to the recessed 5<sup>th</sup> storey element.

*Buildings C and D:* The revised scheme proposed a maximum 8 storey built form for Building C and a maximum 5 storey built form for Building D. Both those proposed heights are in excess of the recommendation provided by the AEP. It is considered that the AEP recommendation for Building C (maximum of 5-storeys with a six-storey element set back a minimum of 3.0m from the Tupper Street front boundary and 6.0m from Lane A side boundary) is the appropriate response within the context of this building. The applicant has not provided justification for the additional height proposed for this part of the site. It is considered that an 8 storey built form would be out of keeping with the predominant character for the area which is a mix of dwelling houses and lower scale residential flat buildings.

Accordingly, the proposed 28m height of building control for this part of the site is not supported. This report recommends the planning proposal be amended to be consistent with the AEP's advice in relation to Building C.

Building D shows a maximum 5 storey built form. The AEP's advice was for this building to be a maximum of 4 storeys in height. However, as the applicant has agreed to the proposed setbacks for this building from Alma Avenue, it is considered a reasonable outcome for that part of the site. The widening of Alma Avenue in addition to the setback will provide sufficient relief for the building addressing Alma Avenue. In order to minimise the visual impact of the building, it is recommended that the upper levels be recessed 3 metres from its Alma Avenue elevation.



On balance, the proposed height of building control and built form for Building D is supported. Controls limiting the building to 5 storeys and requiring a 3 metre setback of upper floor levels will be included in the site specific development controls.

The revised scheme for Buildings C and D also show common open space and associate roof terraces on parts of the buildings. The applicant will need to ensure that any roof structure, including plant and lift overruns, are fully contained within the proposed height of building controls.

*Building E:* The revised scheme for Building E shows a 4 storey built form. This is more than the maximum recommended by the AEP. The proposed 4 storey built form for this part of the site is not supported. That part of the site is located adjacent to a 3 storey residential flat building (above ground level parking), which although orientated towards Tupper Street, contains a long, northerly orientated side wall, including balconies. A 4 storey built form on that part of the site has the potential to affect the amenity of the residential flat building on the property 22 Tupper Street. A 3 storey built form and 11 metre height of building control is considered more appropriate to provide a suitable interface between the subject site and adjoining areas. The recommended R3 Medium Density Residential zone will prohibit residential flat buildings on this part of the site, thereby providing more variety in building typology.

The proposed development controls for the building heights are as follows:

| Building |            | Building height in storeys  |
|----------|------------|---|
| Site A   | Building A | Maximum 5 storeys with the top storey setback a minimum of 3 metres on all sides from the external wall of the floor below  |
|          | Building B | Maximum 5 storeys with top storey setback a minimum 3 metres on all sides from the external wall of the floor below   |
| Site B   | Building C | Maximum 6 storeys with the top storey set back a minimum of 3 metres from the Tupper Street external wall of the floor below and a minimum of 6 metres from the Lane A external wall of the floor below |
|          | Building D | Maximum 5 storeys with the top storey setback a minimum of 3 metres from the Alma Avenue external wall of the floor below   |
| Site C   | Building E | Maximum 3 storeys   |

The final building heights may be impacted by Sydney Airport and Civil Aviation Safety Authority in light of the proposal's breach of the Obstacle Limitation Surface (OLS) to ensure the safe operations of Sydney Airport. The OLS places a maximum height of 51 metres above Australian Height Datum (AHD) for the site. Under the current proposal, the development breaches that limit. Should the planning proposal obtain Gateway approval consultation with Sydney Airport and the Commonwealth should be required.

- f. The Panel does not view favourably the provision of a car parking podium and is of the view that the podium will create unreasonable bulk, height and amenity impacts to the streetscape. If a car parking podium is inevitable in some points, the podium should be no higher than 1.0m from the existing ground level.*

#### **Comment**

As stated previously, a control will be included in the site specific DCP controls limiting the extent to which car parking podiums can extrude out of existing ground level before they are counted as a building floor. It may not be possible for the proponent to limit the podiums to a

maximum of 1.0 metre in parts due to the need to provide enough height for vehicles to safely access the basement car parks. However, the applicant will be required to minimise where these extrusions occur and ensure their impacts are reasonable, managed and integrated into the overall site and building design.

- g. In the Panel's experience, a single height and FSR limit across the site could potentially create several problems for Council at DA stage. It is recommended that the LEP indicates separate height limits (in metres - measured from existing ground level) and FSR for Sites A, B and C. Site B is 60m wide and the Panel recommends the height limit to Site B be split in two portions that are 30m in width each. The portion fronting Alma Avenue to be 14m high (4-storeys maximum) and the one fronting Tupper Street to be 20m high (6-storeys maximum). Heights for Sites A and C to be 14m and 11m, respectively.*

**Comment**

It is agreed that the controls should be nuanced across the site to reflect the desired built form outcomes. This approach is consistent with the original application which seeks different building height controls across the site. The division of the site into three distinct lots makes it easier to express different height of building controls.

The issue of building heights has been discussed previously in this report.

- h. The proposal does not adequately demonstrate how GFA and FSR have been calculated. In drawing number PP403, it is unclear whether the lanes have been included in the calculations and if so, on which site (gross FSR, net FSR or net-net FSR?). Detailed GFA/FSR calculation plans should be provided. Amendments to FSR calculation will be required to address the recommendations for height and setbacks discussed above.*

**Comment**

The amendments recommended in this report will result in amendments to the GFA and FSR calculation for the site. The planning proposal documentation will require amendment prior to the public exhibition process, including demonstrating how the proposed FSR has been calculated. The FSR for the site can be determined prior to a public exhibition process should the proposal receive a favourable Gateway determination.

- i. There appears to be some inconsistencies between the height diagrams, 3Ds, architectural plans and FSR calculations.*

**Comment**

The applicant will be required to update their documentation and ensure consistency between documents prior to any public exhibition process.

**5. Lanes:**

- a. As stated by the Panel previously, street connectivity and pedestrian permeability through the provision of two east-west lanes (Lanes A and B) and the widening of Alma Avenue are the aspects of the proposal that have developed most since Pre-Planning Proposal and are considered good public benefits associated with the Planning Proposal. In order to give greater certainty to Council that the lanes and road widening will be implemented, it is recommended that, in addition to the inclusion of these elements in a site-specific DCP, a VPA agreement is entered between Council and the proponent.*

**Comment**

The proposed site permeability and laneways to enhance connectivity are strongly supported. Council's Development Engineer has reviewed the proposal and advised that:

- **Lane A (7m wide)** is supported as a two-way public road. It shall be an extension of Harrington Street with the two road pavements aligning (kerb to kerb);
- **Lane B (5m wide)** is supported as a one-way (Alma Avenue to Tupper Street) private road with a public right of way created over the road.

The revised scheme presented to Council in June 2017 is not proposing to widen Alma Avenue to full length of the site. Council's Development Engineer has indicated that Council will require the widening of Alma Avenue for the full length of the subject site.

The site specific DCP will make reference to the laneways consistent with the advice of the AEP and Council's Development Engineer. A VPA is to be negotiated separately to the assessment of this planning proposal as per Council's Interim VPA policy.

6. Deep soil zones, tree planting and landscaping:

- a. *A clear strategy to establish a robust urban tree canopy and Ground Level deep soil zones for the site should be provided at Planning Proposal stage and should be included in the site-specific DCP. Most likely, opportunities for tree planting will occur on the streets (if footpaths are wide enough to accommodate them) or on front setbacks (provided that the basement car parking is designed accordingly). The Panel recommends that, if 'deep soil planter boxes' are provided, it should be part of a comprehensive landscape proposal.*

**Comment**

This report recommends the proposed site specific development controls include requirements to maximise the provision of deep soil planting on site. This may require amendments to the extent of the proposed basement car parking, which would also assist in minimising basement extrusions.

Council's Tree Management Officer has reviewed the landscape plans submitted with the application and noted that the proposal includes the retention and protection of some high retention value trees along the property's Stanmore Road frontage. However, it is noted that there appears to be major encroachment by the proposed development into the tree protection zones (TPZ) that fringes into the structural root zones (SRZ) of those trees, due to excavation for basement level car parking. This clearly exceeds the minor 10% encroachment within the TPZ as suggested by the project's arborist. Consequently, it has not been demonstrated that trees proposed for retention will remain viable beyond the completion of the development and/or demonstrated appropriate strategies to minimise impacts upon the trees.

Adequate and appropriate compensatory tree planting and landscaping will be required as part of the development of the site.

7. Design Competition: *given the scale and importance of the project, it is recommended that an urban designer, an architect and a landscape architect are involved throughout the Planning Proposal process. Additionally, it is recommended that a condition of consent at Planning Proposal stage be included (should the PP is approved) requesting the engagement of an urban designer and two to three different architects at Pre-DA and DA stages.*

**Comment**

This comment is noted.

8. *Further urban design recommendations can be provided for the Site-specific DCP.*

**Additional DCP controls**

In addition to other controls which have been discussed in this report or otherwise apply to the land, the following matters are recommended to be included within the proposed site specific DCP controls:

#### Access and permeability

The current proposal provides accessibility improvements through the site via the inclusion of two new laneways and a public plaza linked to Stanmore Road. The DCP controls will reinforce the importance of those connections and the need for any proposal on the site to provide publicly accessible links to improve permeability through the site to the benefit of the wider community.

#### Built form typology

The subject site contains a significant fall from north to south. It is essential that the built form reflects this aspect of the site. The DCP controls will include provisions to ensure the proposed buildings reflect the natural slope of the land by stepping down the slope.

The DCP controls will include the following provisions relating to building design:

- Ensure that new buildings are of exceptional design quality.
- Ensure that new residential development provides good amenity for residents and does not adversely impact on existing surrounding development.
- Variations in parapet walls and/or roof form are required to create a varied skyline.
- The architectural expression and articulation of buildings are to emulate the fine grained built form of the surrounding area.

#### Public Plaza

The DCP controls will contain the following requirements for the plaza space:

- The plaza design to be configured to provide intimacy of the human scale amenity inclusions including seating, large canopy shade tree plantings and the addition of softscape planting.
- Public through site links between Lane B and Stanmore Road via the plaza are to be provided.
- Planting within the plaza must finish flush with pavement surface.
- If planting is on slab, trees will require 1.0m soil depth, 75mm minimum mulch plus drainage material.
- Planting on slab will require irrigation from a non-potable supply.
- Pavement materials must be a high quality stone.

#### Landscaping, Open Space and Biodiversity

More detailed landscaping and open space plans will be required as part of any development application for the site. Site specific controls will seek to maximise the coverage of landscaping, particularly deep soil plantings, across the site. This may involve a reduction in the amount of basement car parking proposed for the site. It will also include controls for canopy tree planting along street frontages.

#### Lot Subdivision

- At the end of the design and approval process there should be a re-subdivision of the site into smaller lots (Sites A, B and C).
- Basement car parking should be designed in accordance with the proposed lot subdivision.
- The site should not result in a single community or strata title scheme.

#### Traffic and Access

Council's Development Engineer has reviewed the traffic and parking impact assessment that was provided with the planning proposal request.

#### Contamination

A site investigation report was previously prepared as part of a previous application to Council and was prepared in 2003. The report concluded that the site was suitable for the proposed development of medium to high rise residential dwellings. However, the report did not cover the full extent of the current planning proposal. Specifically, it excluded the residential dwellings on Tupper Street and the substation fronting Alma Avenue. The applicant was requested to update the report to include all properties subject to the planning proposal. The applicant provided the following response:

- (i) *the properties fronting Tupper Street are already in a residential zone and have a long history of residential use (and therefore unlikely to contain contaminated soils);*
- (ii) *the substation may require more detailed investigation. However, it is the intention to remove the substation and restore the site and we anticipate that contamination investigations and restoration will be part of the requirements in future negotiations with Ausgrid.*

The applicant requested that Council agree to the updated assessment being undertaken at the post-Gateway stage due to the costs involved. Council's Environmental Officer considered the applicant's request and concluded that the updated detailed site investigation could be deferred given the site's current and past uses.

Consequently, the matter of contamination will be subject of further investigation should the proposal receive a favourable Gateway determination. It will also be further investigated at the development application stage.

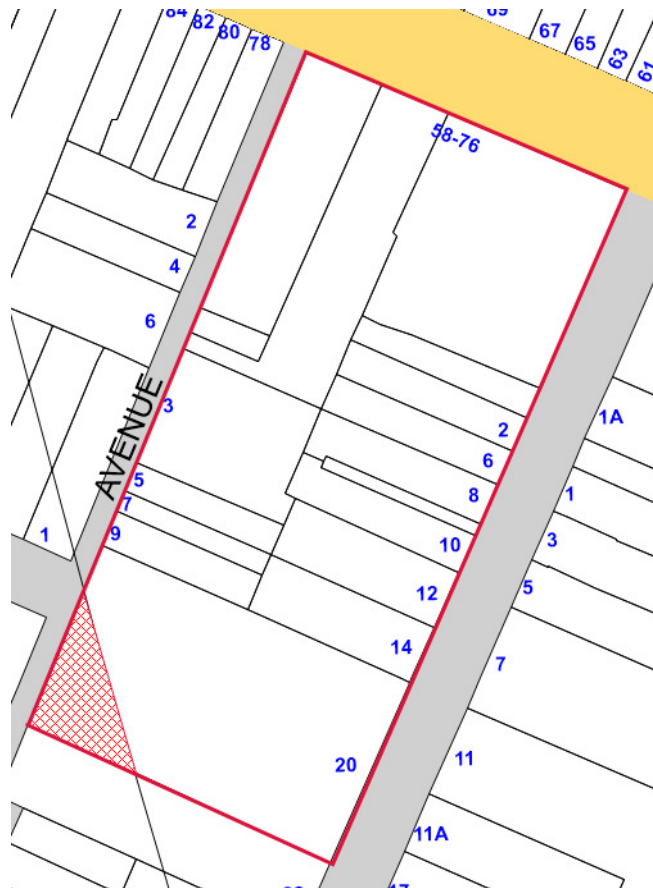
The DCP will contain a requirement that the site be remediated to an acceptable standard to accommodate residential development.

#### Waste Management

The DCP will note that detailed waste management plans will need to be submitted as part of any development application for the site. The plans will need to include separate bin storage areas for residential and commercial uses, bulky waste/clean up room and waste collection points.

#### **Australian Noise Exposure Forecast (ANEF)**

A small portion of the south western part of the site, approximately 328 square metres in area, falls within ANEF 25-30 as shown in Figure 11 below in red hatching.



**Figure 11: Extent of subject site affected by ANEF 25-30 shown in red hatching**

Section 117 Direction 3.5 Development Near Licensed Aerodromes includes the following restriction:

- (5) *A planning proposal must not rezone land:*
  - (a) *for residential purposes, nor increase residential densities in areas where the ANEF, as from time to time advised by that Department of the Commonwealth, exceeds 25, or*
  - (b) *for schools, hospitals, churches and theatres where the ANEF exceeds 20, or*
  - (c) *for hotels, motels, offices or public buildings where the ANEF exceeds 30.*

This Direction is relevant for the planning proposal as part of the site is affected by ANEF contour 25-30. The area of the site affected by ANEF 25-30 is approximately 3.5% of the entire site area. This is considered to be a relatively small portion of the site and, therefore, the inconsistency is considered to be of a minor nature. The applicant will be required to noise attenuate buildings as per Clause 6.6 of the MLEP 2011.

**Obstacle Limitation Surface**

As noted previously, the subject site is mapped under the Obstacle Limitation Surface (OLS) to ensure the safe operations of Sydney Airport. The OLS places a maximum height of 51 metres above Australian Height Datum (AHD) for the site. Under the current proposal, the development breaches that limit by 4 metres. Clause 6.6 of the MLEP 2011 requires a consent authority to consult with the relevant Commonwealth body before granting development consent for a proposal which breaches the OLS.

The applicant has commenced a Controlled Activity Application due to the proposed breach. Further information will be required to be prepared should the proposal proceed through the Gateway process.

**Consistency of Proposed LEP Amendment with Strategic Planning Policies**

The following discussion provides an assessment of the proposal against the State Government's and Council's strategic planning directions for the former Marrickville LGA.

*Draft Central District Plan (2017)*

The draft Central District Plan (released in November 2016) contains the following actions: *Liveability Priority 1: Deliver Central District's five year housing targets*; and *Action L3: Councils to increase housing capacity across the District*. The subject site is currently underdeveloped and well located to provide additional housing capacity for the Central District.

The draft plan also contains *Liveability Priority 2: Deliver housing diversity*. It is essential that, should the planning proposal progress, the resultant development provides a range of residential typologies and also variety in building sizes.

*Marrickville Urban Strategy (2007)*

The Marrickville Urban Strategy (MUS) was adopted by Council in 2007. It establishes a vision and co-ordinated directions addressing a range of planning, community, and environmental issues, to guide short, medium and long term strategic planning policies for the Marrickville LGA. The MUS was developed in response to employment and housing targets established through the dSSS and its overriding strategy, Sydney Metropolitan Strategy *City of Cities, A Plan for Sydney's Future* (December 2005).

The MUS adopted six urban renewal approaches to inform policy options for future residential development within the LGA. These are:

1. Focus on residential density in and around centres;
2. Focus on commercial zoned land in centres;
3. Rezone select industrial sites;
4. Develop new centres;
5. Rezone select special use sites; and
6. Increase density in infill areas.

It is considered that the subject site is consistent with Approach 6 – increase density in infill areas. The MUS states that this approach is suitable where locations are within good access to public transport and open space. The subject site can be identified as an infill area as it is currently underdeveloped and can accommodate additional development. It is also well located, being within close proximity to an existing centre, public transport and open space.

*Marrickville Community Strategic Plan 2023*

Marrickville Council's Community Strategic Plan 2023 was adopted by Council in June 2013. The plan sets the desired future direction and priorities for Council over a 10 year period.

The Community Strategic Plan 2023 includes the following action:

- 3.9 *Marrickville's built environment demonstrates good urban design and the conservation of heritage, as well as social and environmental sustainability*  
- 3.9.1 *Provide effective planning controls to ensure that the built environment reflects community expectations and changing needs, conserves heritage and is socially and environmentally sustainable*

## FINANCIAL IMPLICATIONS

The Planning Proposal does not result in any cost implications for Council.

The proponent has provided a letter of offer to Council “*confirming a commitment to enter into a voluntary planning agreement linked to the potential uplift as well as the public benefits proposed to be delivered directly by the master planned scheme*”. The proponent advised that “*should the application receive a positive Gateway determination the applicant intends to progress the draft VPA with Council that may be subject to public exhibition concurrently with the draft Planning Proposal.*”

Should the proposal receive a positive Gateway Determination, the offer submitted by the applicant will be considered in accordance with Council’s Interim VPA Policy.

A copy of the proponent’s letter is included as **ATTACHMENT 8**.

## OTHER STAFF COMMENTS

Internal referrals were undertaken with the following departments: Architectural Excellence Panel, Development Assessment (Development Engineer), Culture and Recreation, Sustainability and Resource Management, Development Assessment (Trees), Biodiversity. Comments received are discussed in the body of this report.

## PUBLIC CONSULTATION

Public consultation will occur as part of the public exhibition of the planning proposal, in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

## CONCLUSION

This report considers a planning proposal for land at 58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Avenue, Stanmore to enable its redevelopment into a precinct to include a registered club, commercial spaces and residential accommodation.

On balance, the application is considered to demonstrate strategic merit and in principle support is recommended. However, as detailed within this report, some design modifications are recommended to ensure that the scale and density of the development proposed is reasonable within the context of the area.

It is recommended that Council resolve to seek amendments to the planning proposal outlined in this report to enable it to agree to forward the application to the Department of Planning & Environment for their consideration as part of the Gateway process.

## ATTACHMENTS

1. [↓](#) Planning Report: 58-76 Stanmore Road, 2-20 Tupper Street and 1-9 Alma Avenue, Stanmore
2. [↓](#) Applicant's response to matters raised in Council's letter
3. [↓](#) Pre Planning Proposal advice for 58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Avenue, Stanmore
4. [↓](#) Architectural Excellence Panel Report: June 2016
5. [↓](#) Architectural Excellence Panel Report: March 2017
6. [↓](#) Additional information letter from applicant
7. [↓](#) Revised Planning Proposal Scheme: 58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Avenue, Stanmore
8. [↓](#) Letter of offer - Cyprus Club VPA





## APPLICATION FOR A PLANNING PROPOSAL

AMEND MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2011 PROVISIONS FOR:

- ZONING
- HEIGHT OF BUILDINGS
- FLOOR SPACE RATIO
- ADDITIONAL PERMITTED USES
- HERITAGE LISTING FOR ITEM I29

LAND CONTAINING AND ADJOINING THE CYPRUS CLUB, STANMORE ROAD | STANMORE

**CLIENT:** CYPRUS COMMUNITY OF NSW LIMITED

**PROJECT REF:** 0125/14

**DATE:** 18 MAY 2016

**PLANNING**  
I N G E N U I T Y

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**ANNEXURES**

- A. Urban Design Study and Design Scheme
- B. Copy of application for Controlled Activity Permit

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### **EXECUTIVE SUMMARY**

This application for a Planning Proposal seeks to amend the provisions of Marrickville Local Environmental Plan, 2011 (MLEP 2011) for land currently occupied by the Cyprus Club as well as adjoining land fronting Stanmore Road, Alma Avenue and Tupper Streets, Stanmore. The site is on the southern side of Stanmore Road and there are a wide variety of land uses and buildings of various scales and densities throughout the neighbourhood.

The Cyprus Club acknowledges its role in providing recreational and social opportunities for its members and visitors. The club intends to maintain and enhance this community-focused role by rebuilding and improving club facilities in conjunction with a redevelopment project to make more efficient use of the site for recreational, commercial and residential purposes and to provide additional public benefits within and beyond the site.

In order to undertake a redevelopment of the site this application for a Planning Proposal applies to the land currently used and occupied by the club and to adjoining residential properties fronting Tupper Street to form a consolidated site of regular shape. This application for a Planning Proposal seeks to amend the planning provisions of MLEP 2011 to:

- change the zoning of the land to part Zone B4 Mixed Use and part Zone R1 General Residential;
- apply a floor space ratio of 1.8:1 to the site;
- retain the existing height of buildings control of 14m to the majority of the site and add a height of building control of 27m in the centre of the site.

The site is well capable of accommodating developments compliant with the proposed height and FSR controls in a manner that is consistent with the objectives of proposed zones. It is also proposed to develop a site-specific section to the Marrickville Development Control Plan 2011 to establish additional fine-grained controls and objectives for the future redevelopment of the site in a manner consistent with the Urban Design Study (UDS) that forms part of this application.

The Urban Design Study (UDS) has been prepared by Kennedy and Associates Architects and Concept Scheme have been prepared by Kennedy and Associates Architects in collaboration with RKD Architects. The USD and Concept Scheme demonstrate that the proposed LEP and DCP changes will facilitate high quality urban form compatible with the context and setting of the broader locality and the immediate surroundings.

The Concept Scheme shows future development can relate positively to the features of the site as well as to surrounding public space and residential buildings. The Concept Scheme accommodates new publicly accessible spaces, new roads and widening of existing roads, streetscape enhancements, view corridors and a massing of built form which responds to the scale, height and density of surrounding buildings including the heritage conservation area to the north.

The Concept Scheme combines a new club premises with new commercial floor space and upper level apartments along Stanmore Road to improve activation of the main road frontage and incorporate landscaping to enhance the streetscape. The Concept Scheme also demonstrates that the redevelopment of the site can result in multiple buildings each with the opportunity for demonstrating individuality in design and character.

*Application for a Planning Proposal  
Cyprus Club and Adjoining Land, Stanmore Road, Stanmore*

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This application is consistent with the local, Regional and State Planning Strategies for Marrickville LGA and the Central District within the Metropolitan Area. This application has the potential to make a substantial positive contribution to the quality and utility of public space and result in the efficient use of a well-serviced site to provide a development scheme which is diverse and vibrant, respectful of and compatible with neighbouring properties and a high quality urban environment.

This application for a Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act, 1979 as well as the NSW Department of Planning publications "A Guide to Preparing Planning Proposals" and "A Guide to Preparing Local Environmental Plans".

## **1 INTRODUCTION**

This application for a Planning Proposal has been prepared for the Cyprus Club Ltd, owner of the existing licensed club premises in Stanmore Road. The Cyprus Club Ltd owns the majority of the land to which this application applies. This application is a request to Council to seek a Gateway Determination under the provisions of Section 56 of the Environmental Planning & Assessment (EP&A) Act, 1979.

The primary intent of the application is to initiate a Planning Proposal process to amend the provisions of MLEP 2011 to apply Zone B4 Mixed Use and Zone R1 General Residential to the site along with a floor space ratio of 1.8:1 and a maximum building height of 14m and 27m. These planning provisions are consistent with those that apply to other land in Zone B4 and Zone R1 within Marrickville LGA. The site is described in detail in Section 3.

An Urban Design Study (UDS) and Concept Scheme for future development of the site have been prepared and form part of this application. The UDS demonstrates the analysis of existing urban fabric and the constraints and opportunities present at the site which create the setting to support redevelopment of the site. The Concept Scheme demonstrates how the future redevelopment can best accommodate a new registered club, new commercial floor space, a publicly accessible plaza, two new public laneways, residential apartments and multi-dwelling housing. This mix of development is consistent with the Local and State Government Planning Strategies to drive more efficient and economic use of urban land in close proximity to established transport, commercial centres and community and social infrastructure. The scheme integrates new public movement space, commercial and residential uses, improvements to the streetscape and the pedestrian environment and achieves positive environmental, social and economic outcomes.

This application for a planning proposal has been prepared in accordance with Section 55 of the Environmental Planning & Assessment Act, 1979, as well as the NSW Department of Planning publications "A Guide to Preparing Planning Proposals" and "A Guide to Preparing Local Environmental Plans".

As outlined in *A Guide to Preparing Planning Proposals*, this planning proposal will evolve throughout the course of preparing the amending LEP as relevant sections will be updated and amended in response to the outcomes of further technical investigations and consultation. This application for a Planning Proposal has relied on, and been informed by, the Urban Design Analysis and Concept Plans prepared collaboratively by RJK Architects and Kennedy and Associates Architects. The Concept Plans and application have been revised based on feedback from Marrickville Council staff as part of ongoing meetings and correspondence as well as Council's letter dated 2 February 2016.

This report is divided into sections including a locality and site analysis, the proposed draft Planning Proposal and a conclusion.

**2 LOCALITY AND SITE ANALYSIS**

**2.1 Site Identification and Description**

The site is located on the southern side of Stanmore Road between Alma Avenue and Tupper Street and is comprised of nine (9) lots being:

- Lots A and B in Deposited Plan 308880;
- Lot 1 in Deposited Plan 167529;
- Lots 1, 2 and 3 in Deposited Plan 444675;
- Lot 1 in Deposited Plan 971516;
- Lot 1 in Deposited Plan 105806;
- Lot 1 in Deposited Plan 121240;
- Lots 1 and 2 in Deposited Plan 301956;
- Lot 1 in Deposited Plan 119242;
- Lot 1 in Deposited Plan 923826; and
- Lots C and D in Deposited Plan 308880.

These properties are herein referred to as "the site" and are shown edged red in Figures 1 and 2.



Figure 1: Locality map subject site (Source: maps.six.nsw.gov.au)



Figure 2: Aerial photo subject site (Source: maps.six.nsw.gov.au)

The site is a rectangular shape (with the exception of the electricity substation mid-way along the Alma Avenue frontage). Negotiations have commenced with the electricity authority for the incorporation of the substation site within the overall redevelopment site. The total frontage to Stanmore Road is 66.915m. The frontage to Alma Avenue is approximately 134m and the frontage to Tupper Street is approximately 113m. The total area of the site is 7,118m<sup>2</sup>.

The site contains the existing Cyprus Club which is a part three and part four storey building in the north east corner of the site. The club contains bars, a restaurant and function rooms. The car parking area for the club is located at grade on the western portion of the site. A photograph of the club building as viewed from Stanmore Road is included in Figure 3. There are several mature trees throughout the car parking area. Vehicle access to the car park is via Alma Avenue. The southern portion of the site is currently a vacant grassed area.

The site also includes residential properties which share a boundary with the Cyprus Club property and have frontages to Tupper Street. These properties contain single detached dwellings as shown in Figures 4 and 5. These residential properties have several mature trees along the rear boundaries. These properties have been acquired by the Cyprus Club.

All essential services are connected to the site.



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**Figure 3: View of Cyprus Club from Stanmore Road**



**Figure 4: Dwellings fronting Tupper Street near south east corner of subject site**



**Figure 5: Dwellings fronting Tupper Street on eastern side of subject site**

## **2.2 Club Operations**

The Cyprus Club operates to provide social and recreational space for members and guests. The Club includes a café, bistro, restaurant, bar, gaming rooms and function rooms. The club also provides a venue for dance classes, bingo and regular lectures and community information sessions. There are also regular events and cultural celebrations open to the public.

The club was established in 1929 and the current club premises are in need of renovation and significant improvements. The Club Executive recognise that the subject site represents an opportunity for redevelopment to its highest and best use with a mix of new commercial and residential premises compatible with the neighbourhood setting. The Club Executive are committed to maintaining their positive role in the community through enhancing the social and recreational services provided by the club in a contemporary premises with ancillary services and car parking well integrated with the site. Redevelopment of the club premises also has the potential for positive outcomes for the neighbourhood particularly in terms of traffic flow, noise management, new facilities and services, improvements to on-site parking and waste management.

## **2.3 Current Development Consent DA2008/00531**

Development Consent DA2008/00531 became operative on 30 April 2013 and grants consent “to redevelop the Cyprus Club including alterations and additions to the existing club building comprising a new fourth level, a piazza area with dining facilities, a guest accommodation wing with 7 guest rooms, a new administration area, a gallery at Level 1, 10 x 2 bedroom and 46 x 1 bedroom self contained, self care, senior living dwellings, with associated basement parking for 315 vehicles”. The site to which the development consent applies is No.58-76 Stanmore Road, Stanmore being the land currently owned by the club and not including the six (6) residential properties fronting Tupper Street.

The seniors housing component of the development is located on the southern portion of the site and contains a two level basement accessed via Tupper Street. The seniors housing building is a maximum of four storeys.

The approved new club building includes a two level basement car park. The building above ground level is three storeys on the western side and four storeys on the eastern side. The eastern side of the building contains ground floor cafes and restaurants, an art gallery at first floor level and guest rooms at the second floor level. The eastern side of the building is the Cyprus Club premises. In the centre of the building is a circular four storey glazed atrium.

The height of buildings approved with Development Consent DA2008/00531 is consistent with the current 14m building height control. The floor space ratio of the approved development is between 0.67:1 for the portion of the site at 5-9 Alma Avenue and 1.27:1 for the portion of the site being 58-76 Stanmore Road and is limited by the floor space controls of State Environmental Planning Policy (Seniors Housing) 2005 and the previous MLEP 2001.

**2.4 Surrounding Development**

On the northern side of Stanmore Road are two storey terrace dwellings as shown in Figure 6. On the western side of Alma Avenue are single and two storey dwellings as shown in Figures 7 and 8. Adjoining the site to the south is a residential flat building fronting Tupper Street as shown in Figure 9. Opposite the site in Tupper Street are a variety of three and four storey residential flats and single storey detached dwellings as shown in Figures 10 and 11.



**Figure 6: Dwellings on northern side of Stanmore Road**



**Figure 7: Dwellings on the corner of Alma Ave and Stanmore Road**



**Figure 8: Dwellings fronting Alma Avenue**



**Figure 9: Neighbouring residential flat building south of the subject site**



**Figure 10: Residential flat buildings at and near the corner of Stanmore Rd and Tupper Street**



**Figure 11: Dwellings east of the site in Tupper Street**

## **2.5 Site Context**

Pages PP201 to PP204 of the UDS illustrate the features surrounding the site including proximity to major roads, railways stations, major bus routes, greenspace, commercial and industrial areas, social infrastructure and the location of residential flat developments. These diagrams indicate that the site is within walking distance to train and bus transport, education facilities (primary, secondary and tertiary), commercial strips and centres, public open space and recreation facilities. The character of development in the locality is a mix of residential densities.

The site is within 800m walking distance to Stanmore Railway Station. There are more than ten (10) bus stops within 500m of the site serviced by a variety of routes which link to local centres and railway stations and to the Sydney CBD. Bus services operate seven days a week.

There are primary and secondary public and private schools, churches and public parks within 800m radius.

The commercial centres of Enmore and Newtown are east of the site approximately 300m and 1km straight line distance respectively.

## **2.6 Matters Specific to Future Development Capacity**

### **2.6.1 Geotechnical**

The site slopes down from Stanmore Road to the southern boundary. The long and consistent

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development history of the site and the excellent condition of existing buildings indicate that there are unlikely to be unusual geotechnical limitations to future excavation for basement car parking and construction of multi-storey buildings on the subject site. Geotechnical investigations completed for Development Application DA2008/00531 concluded that there are no unusual geotechnical constraints to the site. No additional geotechnical studies are required for this application.

**2.6.2 Flooding**

The site is not affected by flooding and does not need to accommodate for stormwater management or overland flow paths for adjoining properties. All stormwater can be managed on-site in and integrated with the existing constructed stormwater system. No concept stormwater management plans are required for this application.

**2.6.3 Heritage and Archaeological**

The site contains an electricity sub-station which is listed in MLEP 2011 as an item of environmental heritage. Pre-lodgement discussions with Council staff have indicated that the substation is not an essential element in the streetscape or particularly unique and that the future demolition of the substation could be considered as a separate development application. Negotiations are currently underway with the electricity authority regarding incorporation of the substation into the redevelopment scheme.

There are heritage items and a heritage conservation area in the vicinity of the site as shown in Figure 12 and on Page PP210 of the UDS. The UDS has taken into consideration the curtilage and setting of the heritage items, the character they contribute to the streetscape and public domain and the interface to be created by redevelopment of the site.

The potential improvements to the streetscape for Stanmore Road, Alma Avenue and Tupper Street in terms of setbacks and landscaping will protect the curtilage and settings of nearby heritage items and streetscapes by maintaining physical separation and enhancing landscaping. Furthermore the objectives and controls proposed for site-specific DCP controls and will be compatible with nearby heritage items.



**Figure 12: Extract from Heritage Map to MLEP 2011**

The proposed built form along Stanmore Road is to be set back a minimum of 4.5m from the street boundary which is consistent with the setbacks of heritage-listed dwellings to the west and north of the site. This setback allows for deep soil landscaping accommodating canopy trees compatible with the proposed four storey building heights along Stanmore Road. Deep soil planting will create a shaded, pleasant pedestrian environment and an aesthetically appropriate separation to the row of two storey terrace houses on the northern side of Stanmore Road. The building form along Stanmore Road is broken into two x four-storey buildings which will be proportional to the scale and character of existing two storey dwellings with high parapets on the northern side of Stanmore Road and at the corner of Alma Avenue (as shown in Figures 6 and 7).

The proposed setback to Alma Avenue is staggered and a minimum of 1.5m allowing for the widening of Alma Avenue and increasing the future separation from heritage item I29.

As the potential separation to heritage items will be increased by this proposal, no heritage impact assessment is required to support this application.

#### **2.6.4 Acid Sulfate Soils**

The southern edge of the site is within Class 5 Acid Sulfate Soils category. While it is expected that the future development of the site will include excavated basement car parking, no additional soil and ground water studies are required in conjunction with this application for a Planning Proposal. All matters relating to excavation and acid sulfate soils management are more appropriately addressed as required with any future development application.

#### **2.6.5 Transport**

The section of Stanmore Road fronting the site is a State Road. No direct vehicle access to and from the Stanmore Road frontage is to be anticipated for future development.

The road and transport attributes for the site were examined in detail in the Traffic and Parking Assessments prepared by John Coady Consulting Pty Limited dated 29 September 2009 and by Terraffic Pty Ltd dated 19 November 2012 submitted to address requirements of the Deferred Commencement Consent DA2008/00531. These reports combined with an assessment of transport and traffic conditions by Council's Traffic Engineer concluded that the future development of the site needs to provide the following:

- road and footpath reserve widening and reconstruction in Alma Avenue (and consistent with the Land Reservation Acquisitions Map 003 to MLEP 2011);
- reconstruction of part of the road and footpath reserve in Stanmore Road;
- reconstruction of the intersection with Alma Avenue and Stanmore Road including a median island and landscaping; and
- directional controls to ensure traffic leaving the site cannot make a right hand turn into Stanmore Road.

These requirements have been taken into consideration in the planning for traffic and pedestrian movement as detailed in the UDS and Design Scheme. Page PP206 of the UDS shows the locality has a grid street pattern with dominant north-south routes and limited east-west connections. Page PP211 of the UDS identifies existing challenges for traffic movement and existing typical patterns of vehicle and pedestrian movement.

Combining the requirements of Development Consent DA2008/00531 with the data on PP206 and

PP211 results in the identification of opportunities to:

- (i) provide new publicly accessible east-west through links for vehicles and pedestrians;
- (ii) one-way movement routes for some public roads and directional controls on some new and existing intersections; and
- (iii) new north-south pedestrian movement routes including along Alma Avenue and through a new public plaza to Stanmore Road.

These features are shown in diagrams on Page PP214 of the UDS.

The Design Scheme shows three separate basements can be provided within the site taking which takes advantage of the slope of the site and reduces the bulk of built form above ground. The basements can be provided with access and egress points that are well separated from the existing public road network. The Design Scheme also shows that all service vehicles related to the function of the commercial premises and club can be contained within a new basement to minimise impacts to the streetscape and the amenity of the neighbourhood.

There are continuous concrete pedestrian pathways on Tupper Street and Stanmore Road and it is anticipated that the redevelopment of the site will include widening and reconstruction of the footpath reserves for the full frontage of the site.

#### **2.6.6 Obstacle Limitation Surface**

The site is within the mapped area for height limitations imposed for the safe operation of Sydney (Kingsford Smith) Airport. An obstacle height limitation of 51m AHD applies to the subject site.

Clause 6.6 to Marrickville LEP requires that a development application cannot be granted consent if it proposes a structure which exceeds the obstacle limitation surface (OLS) unless it has received approval from the Commonwealth Authority which, in this case, is the Civil Aviation Safety Authority.

The applicant has commenced consultation the Manager Airport Design Services, Sydney Airport and has lodged a Controlled Activity Permit application seeking in principle approval for buildings exceeding 51m AHD as shown in the Concept Designs. A copy of the application is included in Annexure A to this application.

For the majority of the site, the future building height is not proposed to exceed the current LEP height control of 14m. However, a higher built form is proposed in the centre of the site up to eight (8) storeys which may have a height of up to 58.5m AHD.

Further feedback on the outcomes of consultation will be provided to Council as this consultation progresses. Initial verbal feedback from the Manager Airport Design Services indicates that this minor height variation has potential to be supported.

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**Figure 13: Extract from the Obstacle Limitation Surface contour map for Sydney Airport**

**2.7 Urban Design Analysis**

Several redevelopment options evolved from the drafting of the UDS. A preliminary Design Concept for the site was submitted to Council for pre-lodgement advice.

Based on the feedback provided by Council dated 2 February 2016 the UDS and Design Scheme have been revised to the version submitted with this application.

The feedback from Council's correspondence dated 2 February 2016 is summarised in the following table along with comments as to how this application has responded to the feedback.

| <b>Table 1: Summary of Pre-lodgement matters</b>   |  |
|--|--|
| <b>Matter raised by Council</b>  | <b>Response as incorporated in this application</b>  |
| An intensification of the amalgamated sites is supported.  | Noted. This application proposes an increase in height of buildings control for part of the site and an increase in the permissible FSR to 1.8:1   |
| Any significant increase in density needs to be justified in terms of demonstrable public benefit. | Public benefits demonstrated by the application include: <ul style="list-style-type: none"> <li>- New vehicle and pedestrian movement links;</li> <li>- New public plaza enhancing the streetscape of Stanmore Road</li> <li>- New visual corridor extending from the eastern end of Harrington Street</li> <li>- More efficient use of the site by accommodating basement car parking beneath mixed uses, residential apartments and multi-dwelling housing;</li> <li>- Increasing the variety of housing available in the locality;</li> <li>- Improved separation and enhanced streetscapes for heritage items and the heritage conservation area;</li> <li>- Contributions towards enhancement of nearby public recreational spaces; and</li> <li>- Active street frontages and enhanced passive surveillance throughout the site and for the</li> </ul> |



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|  | adjoining public street network  |
|--|--|
| Existing contribution to the public domain is limited.   | Active frontages to be provided to all adjoining streets.  |
| Access to and around the site is not conducive for pedestrians.  | New pedestrian through links east-west and north-south including a new pedestrian pathway along Alma Avenue.   |
| Built form and front boundary setting to Stanmore Road and surrounding grain not sufficiently considered. The setback to Stanmore Road should match the consistent setback of the row of heritage listed Federation Villas opposite. Constant massing across the Stanmore Road frontage is preferred. A four storey built form is recommended. | The setback to Stanmore Road is proposed to be a consistent 4.5m allowing for deep soil planting and matching the consistent setback of the terrace houses opposite the site in Stanmore Road. Massing of the two buildings fronting Stanmore Road is also consistent with two x four-storey buildings of similar proportions. A detailed analysis of the proposed Site Layout along Stanmore road is shown on Page PP311 of the UDS.  |
| The location of the club on Stanmore Road is supported.  | The Club is proposed to be located on the north west corner of the site which allows for greatest separation from neighbouring dwellings and control of club-related traffic to a small section of the overall site.   |
| The suitability of commercial space rather than community space is queried.  | Ground floor commercial space is proposed in the north east corner of the site. However, the design of the space is intended to be multi-functional and could include community space. Details can be negotiated as part of a Voluntary Planning Agreement (VPA).  |
| Objectives for the site should include consideration for how the site might evolve in the future to avoid being seen as a large 'anomaly' to the surrounding area which has a heterogeneous mix  | The site has been divided into three blocks by the introduction of two east-west laneways. The site can be developed sequentially as three separate development sites each with a different character (Block A = Mixed Use, Block B = residential flats, Block C = multi-dwelling housing). Site-specific DCP controls and objectives are proposed to be further developed based on the Development Scheme to ensure that the redevelopment of the site creates a diversity of land uses and building character. |
| The existing substation appears to have no heritage value and a new substation could be incorporated into the redevelopment.   | Noted. Negotiations have commenced with the electricity authority for incorporation of the substation site in the redevelopment proposal. The Development Scheme assumes the substation will be demolished and a new facility incorporated as appropriate within the site. Demolition can be the subject of a separate development application.  |
| More information is required to show how the built form can respond to the slope of the site.  | The Development Scheme shows various sections and elevations through the site showing how the proposed redevelopment can be compatible with the slope.   |
| More information is required to demonstrate how pedestrians will move through the site.  | Current pedestrian movement routes are identified on Page PP211 of the UDS. Potential new movement routes are identified in Pages PP214, PP221 and PP306 to the UDS.   |
| The provision of a 'pocket park' is welcomed.  | A new public plaza is proposed between the mixed use buildings fronting Stanmore Road which will link to a new pedestrian pathway along Lane B and along Alma Avenue. The plaza is to be a minimum 15m wide and provides an interface between the Club and the new commercial premises as well as an aesthetic and functionally vibrant outdoor space enhancing the Stanmore Road frontage.  |
| Articulation of the courtyard space between the buildings requires more information.   | Details of the central communal open space are provided on Page PP312 of the UDS.  |
| 4-5 storeys across the site is considered appropriate as is a FSR of 1.5 to 1.8:1. Height should recognise setbacks and solar access. Up to five storeys may be suitable to Tupper Street. Apartment separation should comply with the ADG. The facades along Tupper Street should respond to the more   | The mixed use buildings fronting Stanmore Road (Buildings A and B) are to be four storeys. The buildings defining the perimeter of the central block are four and five storeys. Building heights in the centre of the site are proposed to be up to 8-9 storeys. Multi-dwelling housing along the southern edge of the site is   |

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|--|---|
| 'broke' subdivision pattern on the opposite side of the street.  | proposed to be three storeys. Building heights have been selected following an analysis of compatibility with surrounding built form context, separation requirements, optimising solar access and site slope. The graphic representation of this analysis is included in Pages PP204, PP205, PP208, PP212, PP218, PP219, PP220, PP221, PP306, PP307 and PP308 in particular. FSR for the overall site is 1.8:1 as shown by the Development Scheme. |
| Varied housing types would better fit with the grain of the locality.  | The Design Scheme shows a varied of housing types including shop-top housing, residential flats and multi-dwelling housing.   |
| Setbacks to Alma Avenue should be generally consistent and provide room for landscaping and building entries and accommodate for road widening.  | Setbacks to Alma Avenue are proposed to vary from a minimum of 1.5m with a high degree of articulation. The setbacks allow for road widening and provide a new pedestrian pathway and landscaping. The setbacks have been based on analysis of streetscape character and separation requirements as detailed in Pages PP213 and PP309.  |
| Solar analysis and orientation of living rooms is supported.   | Noted. Solar access to living rooms and private and communal open spaces as well as maintaining solar access to surrounding properties has been considered in detail in the Design Scheme as shown in pages PP430 and 431.  |
| Underground parking for the club premises is supported. On-site parking for residents should be minimised given good access to public transport.   | Basement parking is proposed as detailed in the Design Scheme.  |
| Zone B4 does not permit apartments other than shop-top housing.  | Noted. An additional permitted uses clause is proposed for apartments above the new club premises.  |
| The subject land is located within an area identified on the "Obstacle Limitation Surface Map" and the application should be discussed with Sydney Airport Corporation Limited.  | An application has been lodged with Sydney Airport Corporation. See Section 2.6.6 of this application.  |
| 3m x 3m splays will be required at the intersections of Stanmore Road with both Alma Avenue and Tupper Streets.  | Splays have been accounted for in the proposed setbacks indicated in the UDS and Design Scheme.   |
| Traffic movement should be designed to separate Club patron traffic from residential traffic in local streets.   | Proposed traffic movements are indicated on Page PP304 to the UDS and show that club-related vehicle movements are planned to circulate through a small proportion of the site and for the most part are separated from the majority of local streets.  |
| A detailed traffic study will be required to be submitted with any application for a planning proposal. Vehicle access and parking shall comply with AS2890.   | A traffic study will be submitted with this application.  |
| Consultation with Roads and Maritime Services will be required.  | Noted.  |
| Stormwater connection and on-site detention will be required. Water sensitive urban design methods will be required to reduce reliance on potable water.   | Noted. WSUD methods can be incorporated throughout the site.  |
| An opportunity to establish a Voluntary Planning Agreement in conjunction with the application for a Planning Proposal could include facilitation of: <ul style="list-style-type: none"> <li>- Improvements to other areas of open space in the vicinity of the development such as Ryan Playground and Enmore Park;</li> <li>- Improvements to the public domain surrounding the site such as enhancement of key movement routes on Stanmore and Enmore Roads;</li> <li>- Allocation of affordable housing within the site;</li> <li>- Dedication of space for community use to meet</li> </ul> | It is the intention of the Club Executive to enter into negotiations for a VPA. A letter of offer has been submitted to Council requesting commencement of negotiations.  |

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|--|--|
| the needs identified in the Facilities Needs Research – Strategic Directions for Marrickville Report (June 2012) |  |
|--|--|

In summary, Table 1 indicates that the matters raised from Council's Pre-lodgement feedback have been addressed with this application.

**3 EXISTING AND PROPOSED PLANNING PROVISIONS**

**3.1 Marrickville Local Environmental Plan 2011 (MLEP 2011)**

MLEP 2011 came into effect on 12 December 2011 and applies to the site. The provisions of the LEP that currently apply to the site are summarised as follows:

- Zoning – Part Zone RE2 Private Recreation, part Zone R2 Low Density Residential and part Zone SP2 Electricity Supply (see Figure 14);
- Height of buildings control – 14m for the part of the site in Zone RE2 and 9.5m for the part of the site in Zone R2 (see Figure 15); and
- Floor Space Ratio (FSR) control – 0.6:1 (see Figure 16).

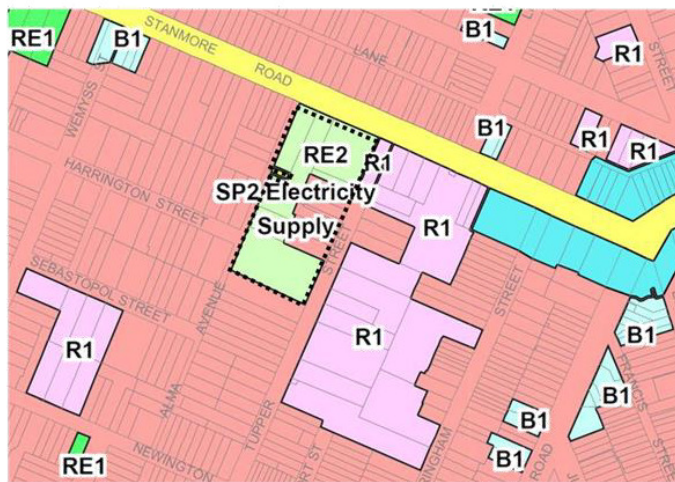


Figure 14 Extract from Marrickville LEP 2011 Zoning Map (site outlined dashed)



Figure 15: Extract from Marrickville LEP 2011 Height of Buildings Map (site outlined dashed)  
KEY: J = 9.5m N = 14m

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**Figure 16: Extract from Marrickville LEP 2011 Floor Space Ratio Map (site outlined dashed)**  
KEY: F = 0.6:1 P = 1.2:1 S1 = 1.5:1 K = 0.85:1

The provisions of Clauses 5.1 Relevant Acquisition Authority, 5.9 Preservation of trees or vegetation, 5.10 Heritage Conservation, 6.1 Acid Sulfate Soils and 6.2 Earthworks will apply to any future redevelopment proposal. This application does not seek to change the manner in which these clauses apply to the subject site.

In accordance with Clause 6.5 Airspace Operations the Obstacle Limitations Surface (OLS) map for Kingsford Smith Airport indicates the height at which buildings or other structures require concurrence as 51m AHD on the subject site. An application for a Controlled Activity Permit and concurrence from CASA and Sydney Airports Authority are underway (see Section 2.6.6).

With regard to Clause 5.1, part of the site is identified for road widening and associated public access as shown in Figure 17. The Design Concept makes allowance for dedication of a strip of land for widening of Alma Avenue plus a minimum setback of 1.5m from the revised property boundary following dedication of the land to Council.



**Figure 17: Extract from MLEP 2011 Map Land Reserved For Acquisition**

## **4 DRAFT PLANNING PROPOSAL**

### **4.1 Proposed Amendments to Current Planning Provisions**

#### **4.1.1 Summary**

This application for a draft Planning Proposal seeks to amend the provisions of MLEP 2011 to:

- Apply Zone B4 Mixed Use to the portion of the site within 44m of the boundary to Stanmore Road;
- Apply Zone R1 General Residential to the remainder of the site;
- Retain the existing height of building control of 14m to the majority of the site (with the exception of land in Zone RE1) and apply a new height of building control of 27m to the central area of the site nominated as the 'inner tower zones' on Page PP307 to the UDS;
- Apply a floor space ratio control of 1.8:1 to the site; and
- Add an Additional Permitted Uses clause to allow residential apartments above the registered club premises (because the definition of shop top housing only permits shop top housing above ground floor commercial premises).

This application for a draft Planning Proposal has scope to evolve concurrently with site-specific DCP controls and objectives based on the Design Scheme as well as a potential VPA.

The proposed amendments to the LEP and DCP are informed by the UDS and the Design Concept and the intent to amalgamate the lots into a single development site. To avoid site-specific LEP provisions requiring amalgamation it is intended that the site be amalgamated and registered with a new title prior to the making of the Plan.

#### **Zoning**

Zone B4 Mixed Use is considered to be the most appropriate zoning to apply to the northern portion of the site to contain the new club premises, public plaza, commercial premises and shop top housing fronting Stanmore Road.

The objectives of Zone B4 are as follows:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To support the renewal of specific areas by providing for a broad range of services and employment uses in development which display good design.*
- *To promote commercial uses by limiting housing.*
- *To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house.*
- *To constrain parking and restrict car use."*

The abovementioned objectives most appropriately reflect the elements of the Design Concept for the two x four-storey buildings fronting Stanmore Road which are proposed to contain new club facilities (approximately 1,000m<sup>2</sup> of floor space) and new commercial tenancies (up to 500m<sup>2</sup> of floor space), a new publicly accessible plaza 15m wide x 31m to be a shared space integrating the new club, new commercial premises and through-site pedestrian movements. Zone B4 also permits child

care centres and community facilities which may be incorporated in the Design Scheme as it evolves during the Planning Proposal and VPA process.

This portion of the site adjacent to Stanmore Road is a highly accessible location being on bus and pedestrian routes with frontage to a busy road. The new club and commercial premises will maintain and improve the variety of service and employment uses in the locality and on-site parking will be appropriate to the density and nature of uses proposed. Registered clubs, commercial premises and shop-top housing are permitted with consent in Zone B4. Zone B4 is more appropriate than Zones B1 or B2 which seeks to establish a commercial 'centre' which is distinguished from surrounding residential uses. Zone B4 seeks a mix of land uses which are integrated with the surrounding land uses.

Zone R1 General Residential is appropriate for the remainder of the site where it is proposed to construct residential flat buildings with basement car parking in the centre of the site and multi-dwelling housing with basement parking along the southern edge of the site. Zone R1 currently applies to sites containing residential flat buildings adjoining and in close proximity to the site. The objectives of Zone R1 are as follows:

- *To provide for the housing needs of the community*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for retail premises in existing buildings designed and constructed for commercial purposes.*
- *To provide for office premises in existing buildings designed and constructed for commercial purposes or as part of the conversion of existing industrial or warehouse buildings."*

The UDS and Design Scheme demonstrates that a redevelopment scheme will create new housing opportunities with new apartments and multi-dwelling housing to be constructed within an established residential environment and fitting within the context and setting of surrounding residential land uses. Residential flat buildings and multi-dwelling housing are permitted with consent in Zone R1. Large areas of landscaping can be accommodated throughout the residential portion of the site to complement the aesthetic quality of the streetscapes and to provide a pleasant outlook and open space area for future residents and visitors.

#### **Building Height and Floor Space Ratio**

The UDS and Design Scheme submitted with this application includes building massing diagrams in plan, section and 3D views and demonstrates that the various heights and scales of potential new buildings are compatible with the topography and aspect of the site as well as the streetscapes and built forms of the neighbourhood including heritage items.

The analysis to establish appropriate building heights is explained graphically on Pages PP204, PP205, PP208, PP212, PP218, PP219, PP220, PP221, PP306, PP307 and PP308 and has taken into consideration the context and setting created by existing building form and character throughout the locality, appropriate separation and setback requirements of the ADG and DCP, the provision of deep soil and landscaped areas and optimising solar access within the site and to adjoining and nearby properties. Building heights for the most part are anticipated to be compliant with the existing 14m height of buildings control with a new proposed height of 27m through the centre of the site.

The proposed floor space ratio (FSR) is largely an outcome of modelling the appropriate building heights, setbacks and separation requirements as well as creating pleasant and functional landscaped and open spaces throughout the site including the new laneways, public plaza, large

central courtyard space and deep soil landscaped areas. A summary of proposed floor areas and FSRs is provided on Page PP403 to the UDS and shows that massing is to be varied throughout the site to deliver a development which is responsive to the features of the site and the setting created by surrounding development. Whilst this application proposes a FSR of 1.8:1, the massing overall is proposed to vary in response to the opportunities and constraints of the site.

#### **Additional Permitted Use Clause**

The UDS and Design Scheme propose residential apartments above the new club premises within Building A to front Stanmore Road. The definition of shop-top housing in MLEP 2011 is:

*“shop top housing means one or more dwellings located above ground floor retail premises or business premises.”*

The new club premises fits the definition of a registered club in MLEP 2011 which is as follows:

*“registered club means a club that holds a club licence under the Liquor Act 2007.”*

Based on these definitions, residential apartments above a registered club are not permitted with consent in Zone B4. Therefore an Additional Permitted Uses clause is requested to permit residential apartments above the proposed registered club. The Additional Permitted Use clause is specific to this site and this proposed redevelopment scheme and would not set an undesirable precedent.

#### **Voluntary Planning Agreement**

A Voluntary Planning Agreement (VPA) is anticipated to be negotiated concurrent with the Planning Proposal process. Items of public benefit to be addressed in the VPA may, subject to negotiation, be related to the construction and dedication of part of Alma Avenue, the publicly accessible through-site links, the publicly accessible plaza, contributions towards embellishments of nearby public open space and provision of community space within the future buildings fronting Stanmore Road.

#### **Summary**

The amalgamated site represents an exceptional opportunity for redevelopment to higher densities with a variety of uses. Public and private sector planning and development trends are recognising and responding to the urgent need for revitalisation and renewal of established urban areas in close proximity to commercial centres and transport. A contemporary registered club will provide social, entertainment and recreational services and facilities for local residents and members with substantial improvements in function, built form and design, vehicle access and parking without detrimental impacts to the amenity of the neighbourhood. New active frontages, a new publicly accessible plaza, new vehicle and pedestrian through-links and new footpath reserves will provide high quality social interaction and recreational space in the neighbourhood and enhance and activate Stanmore Road and surrounding streets. New residential apartments and multi-dwelling housing can be designed to be compatible with the residential neighbourhood and meet the design standards of the Apartment Design Guide and Council's DCP subject to site-specific controls and objectives relating to finer-grained design elements including setbacks, vehicle access points, laneway design parameters.



## **5 PLANNING PROPOSAL**

### **5.1 Part 1 - Objectives or Intended Outcomes**

#### **5.1.1 Intended Outcomes**

The purpose of this application for a Planning Proposal is to change the zoning, density and height controls to achieve redevelopment of the site to deliver mixed uses including the redevelopment of the Cyprus Club, new commercial floor space, new residential apartments, multi-dwelling housing and high quality publicly accessible spaces. The amendment of the LEP in the manner described in this application for a Planning Proposal will establish the appropriate controls for the redevelopment of the site without losing the private recreational opportunities provided by the Cyprus Club and to facilitate optimum redevelopment and use of the land for private and public purposes. The amended planning controls will enable a vibrant new development of a scale and density consistent with the intended future character of the locality as demonstrated by the UDS and Design Scheme for the site.

#### **5.1.2 Objectives**

To achieve the intended outcomes for redevelopment of the site, the objectives of this application for a Planning Proposal are as follows:

- (i) Assist with meeting strategic redevelopment outcomes for the established urban area of Stanmore;
- (ii) Contribute towards new dwelling and employment targets set by State, Regional and Local Strategies;
- (iii) Redevelopment of the Cyprus Club premises to enhance the social and recreational opportunities available to members and visitors and to improve the amenity of the neighbourhood in accommodating the new club premises and ancillary features;
- (iv) Provide new commercial floor space to contribute towards the economic vitality of the locality and add to the variety of commercial opportunities available within convenient and safe walking distance of the local population;
- (v) Provide new commercial services and facilities for local residents and visitors;
- (vi) Create new housing opportunities in an area with high amenity and good access to a variety of transport, social infrastructure and recreation options;
- (vii) Establish planning controls with the potential to deliver a new built form which integrates with the setting and context of the established character and built form in the surrounding area; and
- (viii) Allow for the orderly and economic development of the land.

### **5.2 Part 2 - Explanation of Provisions**

It is proposed to amend MLEP 2011 in the following specific ways:

- Amend the Zoning Map Sheet 003 010 to apply Zone B4 Mixed Use to the portion of the site within 44m of the boundary to Stanmore Road and apply Zone R1 General Residential to the remainder of the site (see Figure 18);

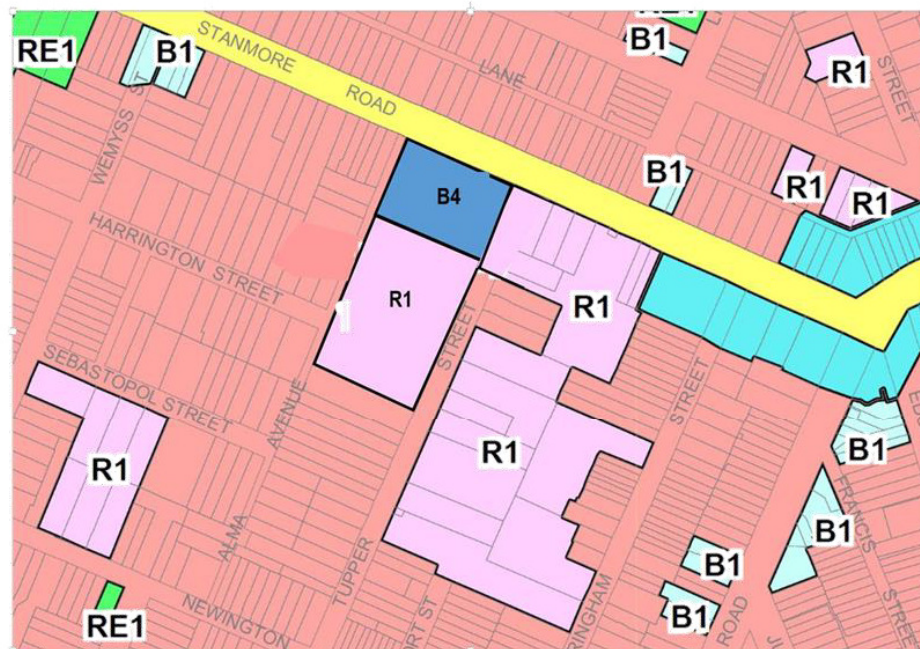
- Amend the Height of Buildings Map Sheet 003 010 to apply a maximum building height of 27m to the portion of the subject site identified as the 'inner tower zones' on Page PP307 to the UDS (see Figure 19);
- Amend the Floor Space Ratio Map Sheet 003 010 to apply a maximum floor space ratio of 1.8:1 to the entire site (see Figure 20); and
- Add an Additional Permitted Use clause to Schedule 1 to allow residential apartments above the registered club premises for this site which states words to the effect (and noting that the site will be amalgamated):

**"22 Use of certain land at 58-76 Stanmore Road, Stanmore**

(1) This clause applies to land at 58-76 Stanmore Road, Stanmore, being Lot A DP 121240, Lot 1 DP 105806 and Lot A DP 308880 in Zone B4 Mixed Use.

(2) Development for the purpose of a residential apartments above a registered club is permitted with consent."

- Delete Item I29 from the Heritage Maps and Schedule 5 to MLEP 2011.



**Figure 18: Proposed amendment to Zoning Map**

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Figure 19: Proposed amendment to Height of Buildings Map T1A = 27m

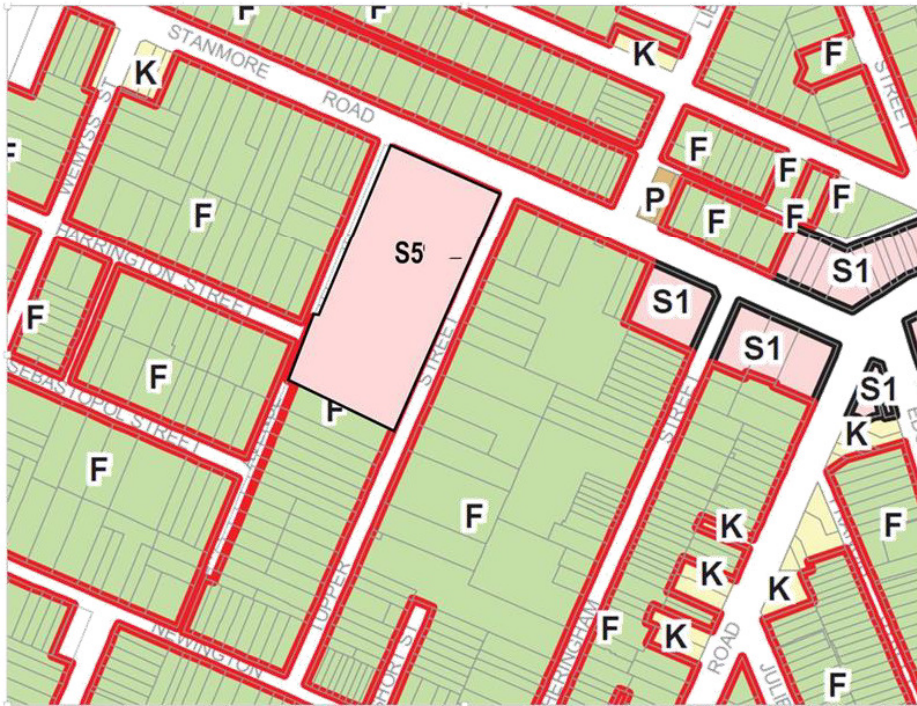


Figure 20: Proposed amendment to Floor Space Ratio Map

### **5.3 Part 3 - Justification**

This section sets out the justification for amending the MLEP 2011 as described in Section 5.2 above.

#### **SECTION A - Need for the Planning Proposal**

##### **1. Is the Planning Proposal a result of any study or report?**

The request for a Planning Proposal is not the result of a specific strategic planning study. However, it is consistent with several strategies that apply to the area, to Marrickville LGA and to the greater Metropolitan area for efficient and optimum redevelopment of established urban areas.

The UDS and Design Scheme which form part of this application are a result of detailed strategic planning investigations of the site and surrounds and provides well-considered evidence to support the proposed amendments to the LEP and DCP.

##### **2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Under the current planning controls, the redevelopment options for the portion of the site in Zone RE2 Private Recreation and Zone R2 are very limited and do not support mixed use development. The site has been demonstrated to have a variety of attributes conducive to appropriate redevelopment and the delivery of public benefits which can only be achieved through changes to the current planning provisions.

##### **3. Is there a net community benefit?**

Yes. The Design Scheme includes new club facilities for private recreation, new commercial premises and a publicly accessible plaza for improved activation of Stanmore Road and the provision of small scale services to the local population. Pending negotiations for a VPA the inclusion of community space within the buildings fronting Stanmore Road could also be considered. The Design Concept also balances new high quality housing with the provision of new public activity space include new vehicle routes and new pedestrian routes.

There is potential for negotiation of a VPA in conjunction with this application which may be related to the construction and dedication of part of Alma Avenue, the publicly accessible through-site links, the publicly accessible plaza, contributions towards embellishments of nearby public open space and provision of community space within the future buildings fronting Stanmore Road.

In broader terms, the development of the site in accordance with the Design Concept will:

- contribute to targets for new jobs and new housing set by *A Plan for Growing Sydney* and the anticipated District strategy;
- enhance and add to the economic, social, recreational and cultural activities available within the local area;
- improve connectivity between Harrington Street, Alma Avenue, Stanmore Road and Tupper Street;
- improve the streetscape and the quality of the built form along Stanmore Road in particular

- and provide guidelines for future development of several residential flat buildings within the site in a manner which can facilitate variety in character, design, articulation and form; and
- improve the management and flow of traffic and pedestrians through improvements to the local street and footpath network.

**SECTION B – Relationship to strategic planning framework**

**1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

A Plan for Growing Sydney

*A Plan for Growing Sydney* contains planning principles, directions and priorities for subregions, strategic centres and transport gateways. Stanmore is not identified in the *Plan* for any specific strategic role other than the general principles for infill redevelopment to optimise the use of existing infrastructure and deliver additional housing and jobs in locations well serviced by public transport.

This application for a draft Planning Proposal is consistent with *A Plan for Growing Sydney*. The *Plan* identifies the need to deliver new housing and new employment opportunities throughout the established urban metropolitan area and particularly on sites in close proximity to a variety of public transport options. This application for a Planning Proposal seeks a mix of commercial and residential land uses on a site in an established urban environment well serviced by infrastructure, utilities and public transport. The application is consistent with the goals of the *Plan* in the following ways:

- Adding vibrancy and economic activity of a scale compatible with the local area;
- Contributing to social infrastructure in the form of private recreation facilities and enhancement of publicly accessible space;
- Increasing housing choice and availability in a high amenity location; and
- Delivering redevelopment at a scale which is compatible with the existing and desired future character of the locality.
- Future residents and visitors will have access to well-established services and facilities in the local area and nearby commercial centres as well as the cultural and recreational opportunities provided by the new club premises and the new public spaces throughout the site; and
- Future building occupants and visitors have the potential to use an environmentally efficient building with thermal and water efficient design and will have options to use a wide range of transport services.

**2. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?**

Marrickville Community Strategic Plan "Our Place, Our Vision" 2023

The Marrickville Community Strategic Plan 2023 includes the following key result areas that are relevant to the subject site:

- Key Result Area 1 – A diverse community that is socially just, educated, safe and healthy;

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- and
- Key Result Area 3 – A vibrant economy and well-planned, sustainable urban environment and infrastructure.

This application for a Planning Proposal has the potential to contribute to implementation and delivery of outcomes consistent with the abovementioned key result areas through:

- Redevelopment which creates safe healthy living and recreational places for residents and visitors;
- Well-planned and well located redevelopment which allows future residents and visitors to use several options for transport and new housing which is compliant with the thermal and water efficiency requirements of BASIX;
- New and enhanced business opportunities through redevelopment of modern registered club facilities and small scale local business premises; and
- Improvements to the local road and pedestrian network.

***Is the planning proposal consistent with applicable state environmental planning policies?***

There are no State Environmental Planning Policies (SEPPs) or known Draft SEPPs that would prohibit or restrict the planning proposal. An assessment against relevant SEPPs is provided in Table 2 (note SEPPs that are not relevant to the proposal have not been included in the table):

| <b>TABLE 2: RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES</b> |  |                    |  |
|--|--|--------------------|--|
| <b>SEPP</b>  | <b>Relevance</b>   | <b>Consistency</b> | <b>Comments</b>  |
| SEPP 21 Caravan Parks  | SEPP 21 applies to all land in the State. It aims to provide caravan parks for both short and long term stays for social and economic welfare and protection of the environment.   | Yes                | The application for a Planning Proposal does not change the current provisions of MLEP 2011 applying to caravan parks.   |
| SEPP 32 Urban Consolidation (Redevelopment of Urban Land)      | The land has been identified as suitable for urban development under the current zoning. This application for a Planning Proposal demonstrates that the development capacity of the land can be improved through changes to the controls for height and FSR. | Yes                | The Planning Proposal is consistent with the Policy by facilitating additional housing on an infill site readily serviced by utilities and accessible to transport, recreational and commercial land uses.   |
| SEPP No 55- Remediation of Land                                | Introduces state-wide planning controls for the remediation of contaminated land.  | Yes                | An assessment of contamination has been conducted with a previous Development Assessment of DA2008/00531 and the site was determined to be suitable for residential land use. No further investigation of contamination is required to support this application for a draft Planning Proposal. |
| SEPP (Building Sustainability Index: BASIX) 2004               | This SEPP aims to achieve buildings which are energy and water efficient.  | Yes                | Compliance with BASIX would be achieved under future development applications. There are no site constraints that would preclude compliance with the SEPP.   |

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| State Environmental Planning Policy No.65 (Design of Residential Flat Buildings) | Residential flat buildings are permissible with consent on the subject site. An Additional Permitted Use is requested to accommodate shop top housing above the proposed new registered club premises. Residential apartments and are anticipated to form a major component of any future development application for the site. A Design Scheme has been developed to be consistent with the general provisions of the SEPP and the Apartment Design Guide. | Yes | Compliance with SEPP 65 will need to be demonstrated with a future development application. The Design Scheme supporting this application has been developed with regard to the SEPP and the Apartment Design Guide. The application for a Planning Proposal does not change the manner in which the SEPP applies to the site and future development.   |
| SEPP (Exempt and Complying Development Codes) 2008                               | This SEPP defines types of development for which development consent is not required.   | Yes | This application does not change the way in which the SEPP applies to any future development or use of the site.  |
| SEPP (Housing for Seniors or People with a Disability) 2004                      | This SEPP facilitates the delivery of housing suitable for people with special needs and sets minimum design standards for that housing.  | Yes | This application does not change the way in which this SEPP applies to the site.  |
| SEPP (Affordable Rental Housing) 2009  | The Policy seeks to retain and provide affordable housing in areas with good access to public transport and established utilities, services and facilities.<br>The application for a Planning Proposal will not reduce the availability of affordable rental housing or opportunities for new affordable housing.   | Yes | The application for a Planning Proposal is consistent with and does not change the manner in which the Policy applies.  |
| SEPP (Infrastructure) 2007   | This Policy aims to facilitate the delivery of new infrastructure and protect the safe and efficient operation of existing infrastructure.  | Yes | Clause 101 to the Policy applies to any future development application for the site. Stanmore Road is a controlled access road. Any future development shall not compromise the safe and efficient operating capacity of Stanmore Road. A traffic impact assessment will be submitted with this application. The concurrence of NSW Roads and Maritime Services will be required.<br><br>Negotiations have commenced with the electricity authority regarding the inclusion of the electricity substation within the redevelopment scheme. This application for a Planning Proposal does not change the manner in which the Policy applies to the subject site and any future development assessment process. |

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| SEPP (State and Regional Development) 2011 | The Policy applies to the extent that the cost of future development of the site may classify a future development application as 'regionally significant'. | Yes | Future development of the site may meet the relevant thresholds for 'regional development' as defined in Schedule 4A to the Environmental Planning and Assessment Act, 1979 if the site is developed as a single consolidated site. However, there is also scope for the site to be redeveloped in separate stages and subject to separate development applications for each of the buildings indicated in the Design Scheme. The Joint Regional Planning Panel is likely to be the consent authority should the Capital Investment Value of any proposal exceed \$20 million. |
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**3. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

The proposal is consistent with all applicable Ministerial Directions under Section 117 of the *Environmental Planning & Assessment Act, 1979*. An assessment against the applicable directions is provided in Table 3 as follows.



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TABLE 3: S.117 MINISTERIAL DIRECTIONS

| Ministerial Direction              | Relevance  | Consistency | Implications   |
|------------------------------------|--|-------------|--|
| <b>1. Employment and Resources</b> |  |             |  |
| 1.1 Business and Industrial Zones  | <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>encourage employment growth in suitable locations,</li> <li>protect employment land in business and industrial zones, and</li> <li>support the viability of identified strategic centres.</li> </ul> <p>A Planning Proposal must retain business and industrial zones and not reduce the floor space created for business and industrial uses.</p>  | Yes         | <p>This application for a Planning Proposal does not seek to reduce the amount of land within business and industrial zones. The application seeks to change the zoning and permissible uses within the northern portion of the site fronting Stanmore Road to facilitate the redevelopment of a registered club and provide small scale commercial tenancies to support the local community. Therefore it will improve the capacity for businesses to be accommodated on the site in a manner integrated with the streetscape and the context of surrounding existing and new development.</p>  |
| <b>2. Environment and Heritage</b> |  |             |  |
| 2.3 Heritage Conservation          | <p>(1) A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p> <p>(2) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:</p> |             | <p>The site nominated for redevelopment includes the electricity substation which is Heritage Item 129 in Schedule 5 to the MLEP 2011. There are also listed heritage items and a heritage conservation area in close proximity to the site. The Design Scheme supporting this application for a Planning Proposal reflects the heritage values and character of these items and the conservation area by limiting the scale and separation of proposed new buildings in a manner compatible with the curtilage and setting of the heritage places and provides a landscaped setback along Stanmore Road. Council has acknowledged in Pre-judgement advice that the electricity substation has no significant heritage value and negotiations are underway for the substation to be appropriately incorporated into the redevelopment scheme. Pending the outcomes of these negotiations it is acknowledged that a Heritage Impact Statement may be required to address the future removal of the substation. Any such Heritage Impact Statement would be prepared for any future public exhibition and consultation process for the draft Planning Proposal. Any future development application will be required to comply with the requirements and the provisions of Clause 5.10 to MLEP 2011 to address potential impacts on heritage items and the adjoining heritage conservation area.</p> <p>This application for a Planning Proposal is not inconsistent with this Direction and does not affect the way in which the current provisions of Clause 5.10 to MLEP 2011 applies to the future development of the site.</p> |

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|   | <p>(a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or</p> <p>(b) the provisions of the planning proposal that are inconsistent are of minor significance.</p>   | Yes | <p>The UDS and Design Scheme indicates that a variety of high amenity housing can be accommodated within the site to excellent design standards and in a manner compliant with the requirements of SEPP 65 and the Apartment Design Guide.</p> <p>The site is readily connected to available utilities and services.</p> <p>The application for a Planning Proposal seeks to increase the permissible density of development throughout the site and to increase the height of buildings control for the central portion of the site well separated from the surrounding residential buildings.</p> <p>Accordingly the application for a Planning Proposal is consistent with the objectives and intent of Direction 3.1.</p> |
| <b>3. Housing, Infrastructure and Urban Development</b> |  |     |   |
| 3.1 Residential Zones                                   | <p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> <li>• broaden the choice of building types and locations available in the housing market, and</li> <li>• make more efficient use of existing infrastructure and services, and</li> <li>• reduce the consumption of land for housing and associated urban development on the urban fringe, and</li> <li>• be of good design.</li> </ul> <p>A planning proposal must:</p> <ul style="list-style-type: none"> <li>• contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</li> <li>• not contain provisions which will reduce the permissible residential density of land.</li> </ul> | Yes | <p>The subject site is within walking distance to bus and rail transport and will contribute new publicly accessible vehicle and pedestrian links to improve the road and pathway network. Therefore, the planning proposal is considered to be consistent with the aims and objectives of Direction 3.4.</p>   |
| 3.4 Integrating Land Use and Transport                  | <p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(1) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p>(2) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p>  | Yes |   |

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| <b>4. Hazard and Risk</b>                       |   |  |
| 4.1 Acid Sulphate Soils                         | A Planning Proposal must consider the environmental impacts of Acid Sulphate Soils.   | Yes<br>This application does not propose changes to the current planning provisions.   |
| <b>6. Local Plan Making</b>                     |   |  |
| 6.1 Approval and Referral Requirements          | A planning proposal must:<br><ul style="list-style-type: none"> <li>minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority,</li> <li>not identify development as designated development unless the relevant planning authority has obtained the approval of the Director-General of the Department of Planning</li> </ul>  | Yes<br>The application for a Planning Proposal does not introduce additional concurrence requirements or identify the development as designated development.   |
| 6.3 Site Specific Provisions                    | A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:<br>(a) allow that land use to be carried out in the zone the land is situated on, or<br>(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or<br>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.<br><br>A Planning Proposal must not contain or refer to drawings that show details of the development proposal. | Yes<br>This application for a Planning Proposal seeks an Additional Permitted Use clause to enable the construction of residential apartments above a new registered club as the definition of shop top housing is limited to residential apartments above ground floor retail and business premises. The Additional Permitted Use clause is consistent with other site-specific clauses in Schedule 1 and will not set a precedent.<br><br>No additional development standards are sought that are out of character with the existing standards for mixed use development or residential development in MLEP 2011. The application for a Planning Proposal is not reliant upon reference to drawings that show details of a specific development proposal.<br><br>Site-specific fine-grain controls and objectives for matters including setbacks, separation, splays, dimensions of the civic plaza space and vehicle access and egress points are sought to be included in a site-specific section of Marrickville Development Control Plan 2011 and subject to further negotiation with Council.<br><br>For these reasons the application for a planning proposal is considered to be consistent with the requirements of Direction 6.3. |
| <b>7. Metropolitan Planning</b>                 |   |  |
| 7.1 Implementation of A Plan for Growing Sydney | This Direction applies to all Planning Proposals in nominated Local Government Areas including Marrickville and seeks to give legal effect to the planning principles, directions and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.   | Yes<br>The application for a draft Planning Proposal is consistent with A Plan for Growing Sydney. The Plan identifies the need to deliver new housing and new employment opportunities throughout the established urban metropolitan area and particularly on sites in close proximity to a variety of public transport options. This application for a Planning Proposal seeks a mix of commercial and   |

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| <p>A Planning Proposal must be consistent with the Plan unless the inconsistency is of minor significance and the planning proposal achieves the overall intent of the Plan.</p> | <p>residential land uses on a site in an established urban environment well served by infrastructure, utilities and public transport. The application for a Planning Proposal is consistent with the goals of the Plan in:</p> <ul style="list-style-type: none"><li>- Adding to the vibrancy and economic activity of a scale compatible with the local area;</li><li>- Increasing housing choice and availability in a high amenity location; and</li><li>- Delivering redevelopment at a scale which is compatible with the existing and desired future character of the locality.</li><li>- Future residents and visitors will have access to well-established services and facilities in the local area and nearby commercial centres as well as the cultural and recreational opportunities provided by the new club premises and the new public spaces throughout the site;</li><li>- Future building occupants and visitors have the potential to use an environmentally efficient building with thermal and water efficient design and will have options to use a wide range of transport services.</li></ul> |
|--|--|

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**SECTION C – Environmental, Social and Economic Impact****4. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The site does not contain critical habitat or habitat for threatened species, populations of endangered ecological communities. The potential future development of the site is not likely to have a negative impact on such habitats and the site does not have potential to contribute to links or support habitat of significance for threatened species, populations or endangered ecological communities.

**5. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The main potential environmental impacts to be examined in detail with any future specific development application for the site are:

- Heritage impacts; and
- Traffic management.

A Statement of Heritage Impact specific to the potential removal of the electricity substation (Item I29) is anticipated to be submitted provided negotiations with the electricity authority indicate that the substation can be incorporated into the redevelopment scheme. Any future development application in close proximity to other heritage items and the heritage conservation area will be expected to address the provisions of clause 5.10 to MLEP 2011.

Specific provisions and design parameters to accommodate additional traffic and on-site parking requirements will be addressed with the Traffic and Parking Impact Assessment to be submitted with this application.

There are no other aspects of the natural or built environment that require assessment as a result of the application for a Planning Proposal.

**6. How has the planning proposal adequately addressed any social and economic effects?**

The social and economic effects of the planning proposal have been considered in detail in the context of net public benefit analysis in Section 3. Community consultation and public authority consultation, will explore the Planning Proposal in more detail, as required.

**SECTION D – State and Commonwealth Interests****7. Is there adequate public infrastructure for the planning proposal?**

All essential services are available for connection to the subject site and arrangements are to be made direct with the providers of each service in conjunction with any specific development application.

**8. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

State and Commonwealth authorities will be consulted in accordance with Section 57 of the EP&A Act, 1979, following the outcomes of the gateway determination. Referral to the Roads and Maritime Service is anticipated due to proximity to Stanmore Road.

**5.4 Part 4 - Community Consultation**

In accordance with Section 57(2) of the EP&A Act, 1979, the Director-General of Planning must approve the form of the planning proposal, as revised to comply with the gateway determination, before community consultation is undertaken.

Public exhibition is likely to include a newspaper advertisement, display on the Council's web-site and written notification to adjoining landowners. The gateway determination will specify the level of public consultation that must be undertaken in relation to the planning proposal. A public hearing is not anticipated to be required.

Pursuant to Section 57(8) of the EP&A Act, 1979 the Responsible Planning Authority must consider any submissions made concerning the proposed instrument.

## **6 CONCLUSION**

A preliminary assessment of the features of the site and its setting as presented in this application and in the UDS and Design Scheme have determined that the site is capable of accommodating a redevelopment scheme as demonstrated. The proposed amendments to the LEP are necessary to create a suite of planning provisions which will ensure the consolidation and redevelopment of the site in a manner which fits with the capabilities of the site and with the context and setting of surrounding development and the locality.

Subject to the planning provisions sought by this application, this site is a rare opportunity to deliver a redevelopment project which is entirely consistent with the adopted and endorsed local, regional and State strategic plans in a manner which is also highly compatible with the setting and context of other land uses on neighbouring sites. The proposal will also deliver a new registered club premises with modern facilities and services for members and visitors, small scale commercial premises to cater for the day to day needs of locals and a variety of new housing opportunities.

Significant public benefits can be delivered through the provision of new publicly accessible through-site links for pedestrians and vehicles as well as a publicly accessible plaza adjacent to Stanmore Road and the widening of Alma Avenue.

Overall the changes facilitated by this application for a Planning Proposal will enhance the site and its surroundings and contribute to overall social and recreational opportunities, employment growth and housing supply as well as improve safe movement of vehicles, pedestrians and cyclists.

This application for a Planning Proposal demonstrates the orderly and economic development of the site is best facilitated by the proposed changes to zoning, building height and floor space controls in the LEP. Site-specific DCP provisions for setbacks, building separation, splay corners, intersection upgrades, vehicle access and egress points, design and character and active frontages may be further developed in consultation with Council. The proposed FSR and height controls have been selected to be compatible with the existing and likely future character of the locality.

Our Ref: 0125/14 Itr 4

15 June 2017

The Interim General Manager and the Administrator  
Inner West Council  
c/- Marrickville Branch  
PO Box 14  
PETERSHAM NSW 2049

**Attention: Maxine Bayley – Strategic Planner**

Dear Maxine,

**ADDITIONAL INFORMATION  
APPLICATION FOR A PLANNING PROPOSAL – CYPRUS CLUB, STANMORE**

This letter presents the final details of the abovementioned application as an outcome of discussions and correspondence with Council during the assessment process and in particular the recommendations of the Architectural Excellence Panel (AEP) and our most recent meeting with Council staff held on 8 June 2017.

On behalf of the applicant, the Cyprus Community of NSW Ltd, we request that the contents of this letter (including attachments) and the application for a Planning Proposal be reported to the next available Council meeting agenda.

The final urban design concept shown in the attached plans prepared by Kennedy Associates Architects graphically demonstrates the conceptual built form envelopes and associated potential planning controls sought to guide the future redevelopment of the site in a strategic and coordinated manner.

The urban design concept for the final proposal has been developed from the building envelopes and design recommendations provided to date by Council staff and the AEP. This feedback has been incorporated into evolving architectural models for the master planning of the site to result in the 'Proposed' Scheme as presented in the attached graphics.

The only points of difference between the Council/AEP recommended building envelopes and the Proposed Scheme relate to the height of buildings on the northern portion of the site and are as follows:

- one (1) additional recessed storey to each of Buildings A, B and D;
- 1.5 additional recessed storey to Building C; and
- Rooftop communal open space and facilities for access to that space on Buildings C and D.

The potential impacts of the abovementioned differences in building height have been evaluated both qualitatively and quantitatively to demonstrate that the potential impacts are minimal as follows:

- The additional floors are to be recessed from the edges of the building floorplate below to:
  - avoid additional overshadowing and prevent overlooking;
  - to obscure the additional levels from typical lines of sight as viewed from the surrounding streets;
  - to provide opportunities for 'planted edges' to the upper levels of the building façade and integrate landscaping opportunities with the external facades of the buildings;
- Rooftop communal open space areas add to the variety of recreational spaces available to future residents and are centrally located for practical and equitable access and well separated from neighbouring properties;
- The additional floors can be treated with external colours and materials to reflect the recommendations of the Apartment Design Guide with respect to architectural roof features and further reducing the visual impact;
- No increase in overall site coverage and same landscaped areas, deep soil planting zones and open space areas as the AEP footprints;



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- Ability to achieve compliant separation distances within the site subject to finer grained architectural treatment and layouts;
- Logistically practical to locate additional apartments close to the rooftop communal open space areas and sharing vertical circulation space with lower levels;
- Density and yield has been supported by the draft Traffic and Parking Impact Assessment prepared by TRAFFIX and previously submitted to Council; and
- Preliminary feedback from Sydney Airports indicates that a Controlled Activity Permit can be supported for the proposed building height.

This master planned scheme represents the best opportunity to redevelop the site as a coordinated project delivering public benefits which are highly relevant to the subject site and surrounds. As the best redevelopment opportunity it is strategically prudent and environmentally responsible to ensure that the redevelopment optimises the infill capacity of the site. As explained above, the proposed scheme will deliver the same qualitative planning outcomes as the Council/AEP scheme with the additional benefits of slightly more uplift and a more economic use of the site.

#### 1. Setbacks

Setbacks are indicated on Sheets PP501 and PP503 and demonstrate a commitment to adopt all the setbacks as recommended by Council and the AEP (indicated in blue on Sheet PP503).

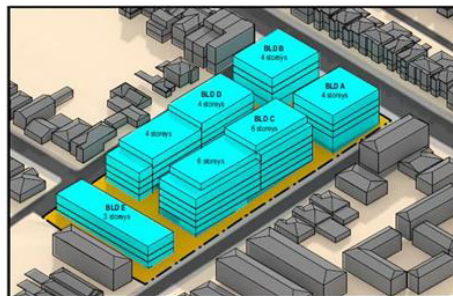
Sheet PP503 also includes commitments to additional setbacks not previously specified by Council or the AEP (indicated in red on Sheet PP503). These additional setbacks will achieve building separations that are compliant with the requirements of State Environmental Planning Policy No.65 (Design Quality of Residential Apartment Development) (SEPP 65) and the associated Apartment Design Guide (ADG). The proposed upper level setbacks have also been selected to achieve a high degree of articulation in building form, upper storeys that are visually recessive in the streetscape, solar penetration to and through the site and structures which enable the rooftops of Buildings C and D to be effectively used for communal open space.

All setbacks can be included in a site-specific development control plan which is anticipated to be prepared in collaboration with Council's Strategic Planning staff to be publicly exhibited with the draft Planning Proposal.

#### 2. Height of Buildings

Sheet PP501 contains two diagrams which compare potential external building envelopes applying the setbacks as detailed in (1) above. The diagram depicting the building envelopes as recommended by the AEP is titled 'height-AEP' and the diagram depicting the building envelopes sought by this final version of the application for a Planning Proposal is titled 'height – Proposed'. Both are included in the extract contained in Figure 1.

Building envelopes set the outermost parameters within which massing and Gross Floor Areas (GFA) can be manipulated to achieve optimum outcomes for specific land uses and layouts.

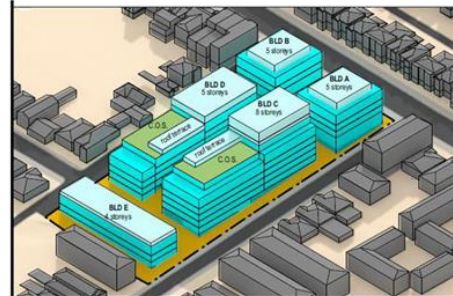


**height - AEP**  
The Panel maintains its view that an 8 to 9-storey building on the subject site is over-scaled and does not fit with the existing context nor the desired future character for the area. It is recommended that building heights are as follows:

- Buildings A and B: maximum of 4-storeys (14m).
- Building C: maximum of 5-storeys with a six-storey element set back a minimum of 3.0m from Tupper Street front boundary and 6.0m from Lane A side boundary.
- Building D: maximum of 4-storeys (14m).
- Building E: maximum of 3-storeys (11m).

**YIELD / FSR - AEP COMPLIANT**

| SITES A + B<br>(nom 7100 sqm inc. lanes A + B) |          | SITES A + B + C<br>(8545 sqm) |                        |       |          |
|--|----------|-------------------------------|------------------------|-------|----------|
| YIELD  | GFA      | FSR                           |                        | GFA   | FSR      |
| 1 Bed  | 57 (44%) |                               | 130 UNITS              |       |          |
| 2 Bed  | 72 (56%) |                               | +<br>10 TERRACE HOUSES | 13300 | 1.56 : 1 |
| 3 Bed  | 1 (<1%)  | 11800                         |                        |       |          |
| Total units                                    | 130      |                               |                        |       |          |



**height - PROPOSED**

**BUILDING A and B:**  
fifth storey element set back on all sides by 3m to reduce presence to street frontages, comply with ADG building separation and maintain solar amenity to units in Building C.

**BUILDING C:**  
additional 7-8 storey to northern portion of Building C. 3m setback applied as per sixth storey element.

**BUILDING D:**  
additional fifth storey element to northern portion of Building D.

**BUILDING E:**  
3 storey townhouses containing additional ' attic' floor within roof overall height to comply with existing 14m height plane

**LEGEND**

- proposed additional massing outside AEP recommendations
- AEP recommended setback volumes

**YIELD / FSR - ADDITIONAL HEIGHT**

| SITES A + B<br>(nom 7100 sqm inc. lanes A + B) |          | SITES A + B + C<br>(8545 sqm) |                        |       |          |
|--|----------|-------------------------------|------------------------|-------|----------|
| YIELD  | GFA      | FSR                           |                        | GFA   | FSR      |
| 1 Bed  | 72 (48%) |                               | 150 UNITS              |       |          |
| 2 Bed  | 77 (51%) |                               | +<br>10 TERRACE HOUSES | 15700 | 1.84 : 1 |
| 3 Bed  | 1 (<1%)  | 13600                         |                        |       |          |
| Total units                                    | 150      |                               |                        |       |          |

**Figure 1: Extract from Sheet PP501 comparing AEP recommended building envelopes and proposed building envelopes**

The Yield Data from each of the AEP recommended option and the Proposed Option are shown in tables below the diagrams and are included in Figure 1. The yield data has been generated by applying detailed land use layouts including:

- private and communal open space areas;
- land dedicated for future public roads, footpath reserves and a public plaza;
- new club premises and active ground floor uses along Stanmore Road;
- new apartment layouts including private and communal open space areas; and
- space for utilities, services, circulation and other activities ancillary to the proposed land use mix.

The yield estimates show the AEP compliant building envelopes achieve a Floor Space Ratio (FSR) of 1.56:1. The proposed building envelopes result in a FSR of 1.84:1.

Feasibility assessments have been undertaken for both the potential yield scenarios and have concluded that a FSR of 1.56:1 is not sufficient to support a financially viable redevelopment scheme that retains the Club and provides the significant site-specific public benefits package proposed. Therefore this application proposes the building envelopes which will potentially deliver a maximum FSR of 1.84:1 over the entire site. These envelopes have been tested in urban design terms and are considered to be acceptable particularly in terms of potential compliance with the ADG.

Raw data and calculations of the feasibility assessment are subject to 'commercial in confidence' arrangements with Cyprus Community of NSW Ltd and the project participants but may be provided to Council in some form should this information be essential to Council's decision. The feasibility assessment has factored in matters including but not limited to:

- the acquisition costs of the existing electricity substation and reconstruction of a substation within the redevelopment site which have been estimated by Ausgrid to be in excess of \$1 million;

- the construction and dedication of new public roads, footpath reserves and a new public plaza within the development site and other potential public benefits based on the details of a future Voluntary Planning Agreement; and
- the contribution towards affordable housing as specified in Council's recently adopted 'Affordable Housing Policy' (despite this Policy not having been subject to public exhibition at the time of lodgement of this application for a Planning Proposal).

As explained below, the proposed FSR is to be further controlled within the site by the provisions of a site-specific DCP to deliver building mass which best responds to the topography, scale of existing and likely future built form, public road and footpath network and positive impacts on the streetscape, solar access and the quality of landscaping and open space areas throughout the site.

The proposed building heights have been examined in relation to accommodating specific finished levels of external and internal spaces including:

- compatibility with levels of the existing public roads and footpaths in terms of landscaped setbacks, vehicle access and egress, accessible paths of travel to, from and through the site, finished floor levels floor publicly accessible buildings ;
- floor and ceiling levels for minimum clearances and compliance grades for basement car parking and waste servicing;
- floor levels relative to surrounding private and common space areas; and
- floor and ceiling heights and lift overruns for structural/Building Code compliance.

This finer grained analysis of potential building heights has provided a level of detail not considered by the AEP. This analysis has resulted in the proposed building heights shown on Sheet PP504 and translated into a draft Height of Buildings Map amendment as shown on Sheet PP505. It is the proposed draft Height of Buildings Map as shown in Sheet PP505 which the applicant requested to be reported to Council for consideration.

Building envelopes in elevation form as recommended by the AEP and as 'Proposed' by this application are shown in Sheet PP502 to demonstrate that there is very little difference in the comparative scale of the two building envelopes. These diagrams show that the additional proposed height combined with the proposed upper level setbacks result in the uppermost levels being well recessed from the outer edges of Buildings A to D resulting in minimal change to solar access, visual impacts/streetscape and microclimatic impacts in comparison to the AEP building envelopes.

Furthermore, Council has scope to further control the number of storeys throughout the master planned site as part of a future site-specific DCP. Such DCP controls and objectives would be effective in refining the overall built form including basement levels, sleeving of podiums and rooftop treatments to gain a greater level of control with regard to overall building height and changes to building height throughout the site. The site-specific DCP approach is typical for large urban infill sites and significant weight is expected to be given to those controls in any future assessment of development applications.

### **3 Floor Space Ratio**

As described in (2) above, a potential FSR of 1.84:1 over the entire site has been estimated from the yield data. The proposed draft amendment to the Floor Space Ratio map to the MLEP 2011 is shown in Sheet PP508. The proposed amendment seeks a transition in density which is compatible with the capacity of the site and the characteristics of future proposed land uses including the mixed use buildings on the northern-most portion of the site, residential flat buildings through the centre of the site and multi-dwelling housing on the southern portion of the site. The proposed distribution of FSR is also compatible with the proposed setbacks and separation distances and the proposed provision of open space areas (as shown in Sheet PP507) which will result in open space areas of suitable proportions to balance and offset the scale of future buildings.

### **4 Voluntary Planning Agreement**

A letter of offer has been provided to Council confirming a commitment to enter into a Voluntary Planning Agreement (VPA) linked to the potential uplift as well as the public benefits proposed to be delivered directly

by the master planned scheme. Should the application receive a positive Gateway determination, the applicant intends to progress a draft VPA with Council that may be subject to public exhibition concurrently with the draft Planning Proposal.

The potential public benefits of this master planned scheme are considered to far outweigh the contributions which may be levied on a piecemeal basis with other fragmented redevelopment options. Furthermore, based on the feasibility analysis, a reduction in density to the AEP scheme would preclude the capacity to deliver the uplift GFA and the specific elements flagged as potentially offered with the VPA.

#### **5. Project Feasibility**

As stated in the Executive Summary of the application for a Planning Proposal, the feasibility of the redevelopment project as a single master planned scheme is highly dependent upon a collaborative agreement established by the Cyprus Community of NSW Ltd. This agreement includes a new premises for the Club and a staged, master planned redevelopment scheme which delivers ongoing returns to the Club and sustains their operations as the Club re-establishes its operations and services to the community.

There are alternative options available to the Club including the subdivision and sale of the site and the relocation of the club with or without acting on the Development Consent DA2008/00531. DA2008/00531 permits a mixed use development of up to four storeys with a two level basement on the northern portion of the site at a density of 0.67:1 over No.5-9 Alma Avenue and a density of 1.27:1 over 58-76 Stanmore Road. That scheme has not proceeded as it clearly does not support the ongoing viability of the Club. In addition, there are substantial strategic planning and community benefits that have not been provided in the previous scheme and which stand to be realised through the redevelopment scheme sought to be facilitated by this application for a Planning Proposal and the Club requests Council to take these potential benefits into consideration.

We trust this letter in conjunction with the original and revised Planning Proposal application plus additional information responses to date provides Council with all the information necessary to include the application in the next available Ordinary Meeting Agenda. We thank you for the opportunity for ongoing discussions and to provide additional information throughout the course of the assessment process. Should you require any further clarification, please do not hesitate to contact our office.

Yours faithfully,

**Planning Ingenuity Pty Ltd**



Jeff Mead

**MANAGING DIRECTOR**

**Att. Graphics by Kennedy Associates Architects**

**MARRICKVILLE COUNCIL  
ARCHITECTURAL EXCELLENCE PANEL – REPORT  
Pre Planning Proposal**

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|                              |  |
|------------------------------|--|
| <b>Site Address:</b>         | 58-76 Stanmore Road Enmore   |
| <b>Proposal:</b>             | Planning Proposal for the redevelopment of the properties 58-76 Stanmore Road, 2-20 Tupper Street and 1-9 Alma Avenue, Stanmore including a 4 storey mixed use development on the north western corner containing a club and residential apartments, a 5 part 8 storey mixed use development on the north eastern corner, three residential apartment buildings between 4 and 9 storeys and a public park adjacent to the southern boundary. |
| <b>File Reference:</b>       | PDA201500099   |
| <b>DA Officer:</b>           | Peter Wotton   |
| <b>AEP response:</b>         | Kate Napier (Heritage and Urban Design Advisor, Marrickville Council - Chair); Peter Ireland (Principal, AJ+C Architects); Rod Simpson (Director Simpson + Wilson)   |
| <b>Site Inspection Date:</b> | November 5th 2015  |
| <b>Report Date:</b>          | December 10th 2015   |
| <b>TRIM:</b>                 |  |

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**GENERAL**

An intensification of the amalgamated sites is supported because the land is positioned close to transport, shops, schools and cultural facilities and is currently underutilised. However, any significant increase in density needs to be justified in terms of demonstrable public benefit- simply increasing density is not sufficient justification.

Council is interested in the affordability of housing, improving the public domain, and developing urban patterns and forms that are adaptable in the longer term.

The existing contribution to the public domain is limited because the interface is relatively inactive, the ground level generally operates as a car park, access to and around the site is not conducive to pedestrians and the built form and front boundary setting to all streets and in particular Stanmore Road is poor.

The application includes a review of the constraints of the significant trees, the solar access and southern aspect, however the heritage setting on Stanmore Road, the sloping topography and surrounding grain are not sufficiently considered. The location of the Club on Stanmore Road is supported, it is noted that the size of the club floor area is reduced, perhaps due to contracting club membership. The suitability of a commercial space, rather than community space included in the

application is queried. The closest corner store is 100m (the petrol station) from the North East corner and the retail strip on Enmore Road is 200m.

Most importantly, the size and location of the site, and consequently, its potential to contribute to the wider area in terms of public accessibility, permeability of the area by providing through site links and improved amenity in the form of public open space deserves careful consideration.

The objectives for a site of this significance should include consideration for how the site might evolve in the future and how it might avoided being seen as a large 'anomaly' in the surrounding urban fabric. While it is fair to say there is no particular style, or typology in the surrounding area, this heterogeneous mix can also be seen as THE defining characteristic of the area, and this may be the characteristic that should be carried into the future. A large integrated development, by its very nature will unavoidably appear anomalous, particularly when the surrounding properties are likely to remain very much the same.

The urban design analysis shows this mix but does not suggest how it might be responded to.

Additionally there are questions surrounding the entire boundary fronting Alma Avenue which is affected by land acquisition to a depth of approximately 5m (presumably to effect a wider, two way street); The existing substation appears to have no heritage value. The land parcel would ideally be amalgamated into the site and a new substation incorporated into the proposal.

Those issues aside the advice contained here will assess the merit of the proposal as presented regardless of acquisition or ownership.

#### **LAND FORM, BUILT FORM & LANDSCAPE**

The response of the built form and the landscape form to the sloping site is not evident. The sloping landform is a feature of the site and the streetscape and presents as a significant constraint/opportunity for the built form and landscape design. More work is required to understand how the buildings meet the ground plane and how pedestrians travel through the site in an accessible way.

The rationale for the location and need for the publicly accessible plaza and landscaped areas is not clear. The landscape proposal appears to simply be the leftover space between the ADG setbacks with pathways located at the midpoint between buildings. An exploration of how these spaces would work, their levels and the means by which they are accessibly connected and used by occupants is necessary.

#### **OPEN SPACE and VEGETATION**

The suggestion that a public 'pocket park' be included in the proposal is welcomed. As the population in the inner suburbs increases every opportunity to provide open space should be taken.

The open space should provide a clear line of site from Harrington Street to Tupper Street. This would require an increase in the area to approximately 2000sqm.

The suggested setbacks and preservation of existing trees is also welcomed.

The definition and articulation of the courtyard space between the buildings need more thought.

**HEIGHT, FRONTAGE & GRAIN**

Generally heights proposed exceed the likely future character of the area. 4-5 storeys generally across the site is considered appropriate. It may be possible to have limited portions reaching 6 storeys. Existing flat buildings in Tupper Street are 4 stories, interspersed with single storey period buildings.

Unlike the surrounding neighbourhoods, the proposal presents as a built form monoculture. Varied housing types would better fit with the grain of Enmore. Town house or terrace style development along Alma Avenue would build on the existing grain and scale of that street, with a finer massing/built form presentation for unit blocks at the street frontage elsewhere, to better respond to the character of finer subdivision patterns in the area. Additionally a high number of visible entrances to buildings/individual apartments/houses at ground level is essential.

A mix of housing types and designers may be best achieved by a finer subdivision pattern after the building forms have been defined. In other words, while it may make sense to consolidate sites to permit a more efficient layout during the design process, at the end of the design and approval process there should be a re-subdivision of the site into smaller lots; the site should not result in a single community or strata title scheme.

In order to fit better with the scale of the surrounding area, and to allow for a mix of housing types and commercial premises, the reduction in height to 4-5 storeys would result in an FSR of 1.5-1.8:1

Stanmore Road

The presentation to Stanmore Road is disappointing: the two buildings proposed on this frontage (A and B) with their varied front setbacks and massing do not respond to the consistent form of the row of heritage listed Federation Villas opposite. The row of villas, located directly opposite the site, at a level point on the ridge, present as an opportunity for a dialogue between the two sides of the road. The elevated settings behind front boundary retaining walls and consistent landscaped setbacks offer an opportunity to intensify the intimacy of the street at this juncture. A constant setback and a consistent massing across the width of the Stanmore Road frontage are considered more responsive to the positive qualities of the street character and allows for landscaping and accessible pathways from the footpath. A 4 storey built form is recommended. The buildings fronting Stanmore Road should not be built to the side boundaries rather they should include a landscaped side setback.

Alma Avenue

The difference in height between existing and proposed development, coupled with its close proximity across Alma Avenue is not ideal, nor desirable. One of the single storey houses opposite the site is a heritage item (6 Alma Avenue). The distance between these existing residential buildings and the site boundary varies between 5-12m. Clarification on actual distances between habitable rooms across Alma Avenue needs to be provided.

Building E facing Alma Avenue is too dominating at 5 storeys, 3 stories would be more appropriate given the narrowness of the Avenue. A proposed footpath has been accommodated within the site boundary but not road widening, consequently the appropriateness of the building separation proposed needs to be clarified.

Setbacks should be generally consistent along the street and include sufficient room for landscaping and building entries. More evidence of the intent here is required.

### Tupper Street

More height may be suitable on Tupper Street, perhaps 5 stories, and the setback from Tupper Street should generally be consistent along the street. Apartment separation should comply with the ADG, in particular to the interwar unit block on the boundary corner of Tupper Street and Stanmore Road (48 Stanmore Road).

2 and 4 Tupper Street are reasonably intact period buildings and consideration could be given to retaining these within the development. 6-12 Tupper are less intact. They are located opposite other period buildings in Tupper Street which are unlikely to be significantly altered from the street in consideration of current period building controls. The long facades of the proposed Tupper Street buildings do not respond to the more articulated 'broken' subdivision pattern opposite.

### **SOLAR ANALYSIS**

The orientation of living rooms to the east and west aspects is an acceptable approach to meeting the ADG requirements for solar access to residential buildings on this site.

### **TRAFFIC**

Some underground parking is acceptable for club patrons, deliveries and residents.

On site parking for residents should be minimised given the good access to public transport, shops, and schools and the levels of congestion and traffic that exist in the area.

An increase in housing and residents is supported, but not a significant increase in cars, underground car parks or driveways.

Consideration should be given to an above ground parking structure sleeved by habitable areas that could serve both the club and the residential blocks. This would significantly reduce the cost of construction, and therefore the affordability of the units if prospective buyers are asked to make 'trade-offs'. Given the strategic and attractive location of the site, efficiencies in construction, and the significant increase in density that is recommended (from 0.6:1 to 1.5/1.8:1) should still make development financially feasible.

### **RECOMMENDATIONS SUMMARY**

Further consideration of the following issues driving the proposal, raised above, is necessary prior to determining adjustments:

- Street pattern and clear through site links as an extension of Harrington Street
- Legacy subdivision pattern
- An FSR that allows for a mix of housing types, and forms (2.75:1 will push to 100% apartments)
- Height, if it is to be included in the planning proposal, should recognise setbacks from roads, solar access for adjoining properties and locate taller buildings, taking into



account longer views from Harrington Street. The case for additional height is not substantiated.

- The size and orientation of the public open space if it is intended to be dedicated and zoned as open space.

**MARRICKVILLE COUNCIL  
ARCHITECTURAL EXCELLENCE PANEL - REPORT**

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|                                   |  |
|-----------------------------------|--|
| <b>Site Address:</b>              | 58-76 Stanmore Road, Marrickville  |
| <b>Proposal:</b>                  | Planning Proposal relating to properties at 58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Avenue, Stanmore, to amend the MLEP 2011 to rezone the land to part B4 Mixed Use and part R1 General Residential; increase Floor Space Ratio of 1.8:1 across the site; increase Height of Building to 27 metres for part of the site; include an Additional Permitted Use of 'residential flat building' to permit its redevelopment for a mixed use development comprising 5 buildings including a 4 storey mixed use premises including new club premises and commercial floor space on the northern portion of the site facing Stanmore Road; residential accommodation up to 9 storeys in the central portion of the site; three storey residential accommodation to the southern portion of the site; two new laneways traversing the site; public plaza and associated landscaping and car parking. |
| <b>File Reference:</b>            | DA201600244  |
| <b>Planning Officer:</b>          | Maxine Bayley  |
| <b>AEP Members in attendance:</b> | Peter Ireland (Principal, AJ+C Architects)<br>Jocelyn Jackson (Practice Director, TKD Architects)<br>Renata Ferreira (Urban Design and Heritage Advisor, Marrickville Council – Chair);  |
| <b>Site Inspection Date:</b>      | 28 June 2016   |
| <b>Report Date:</b>               | 8 July 2016  |
| <b>TRIM:</b>                      | 77578.16   |

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**DISCUSSION**

The Panel discussed the proposal with Cyprus Club, Kennedy Associates Architects and SJB Planning and provides the following comments:

1. Kennedy Associates Architects prepared an excellent Urban Design Report that demonstrates a thorough understanding of the site and its context.
2. Street connectivity and pedestrian permeability are the aspects of the proposal that have developed most since Pre-Planning Proposal and are supported provided that improvements to

the public domain, such as street tree planting, landscaping and paving design are incorporated into the proposal, as recommended below.

3. The public plaza between Buildings A and B, fronting onto Stanmore Road, makes a positive contribution to the public domain and is supported in principle. Given its north-south orientation, a wind tunnel study may be required to ensure that a pleasant environment for people will be achieved.
4. The aspects of the proposal that need further development are [a] deep soil zones, tree planting and landscaping; [b] basement car parking, [c] height, density and setbacks; and [d] built form typology, as discussed below:
  - a. Apart from the trees facing Stanmore Road, all the other existing trees on the site will be removed. A clear strategy to establish a robust urban tree canopy and deep soil zones for the site has not been provided. This is of particular concern given the underground for the entire site is proposed to be dedicated for basement car parking. Landscaped areas are confined to the private communal open space between buildings C and D with limited opportunity for deep soil due to the basement car parking. Additionally, based on the Panel's experience, the 4.0m wide front setback proposed on the Stanmore Road boundary will not be sufficient to maintain the existing mature trees. Most likely, if a greater setback is not provided, and excavations for the basement car parking proceed, roots will be damaged and the trees will eventually die.
  - b. The Panel maintains its Pre-Planning proposal position that the construction of basement car parking covering the entire site area is excessive, indicating that the proposal is trying to achieve too much density in such a site.
  - c. A 4 to 5-storey street wall height fronting onto Tupper Street, 3 to 4-storey street wall height fronting onto Alma Avenue, and 2 x 4-storey buildings facing Stanmore Road are supported provided that setbacks and built form are reconsidered in accordance with the recommendations below. The proposed narrow or nil front setbacks will create a 'hard edge streetscape character' that is at odds with the character of the streetscape in the vicinity. The proposed 8-storey building located on building block D is over-scaled and does not fit with the existing context nor the desired future character of the area (the Panel maintains its Pre-Planning proposal position). Additionally, the subject site is located within an area identified on the 'Obstacle Limitation Surface Map' where the limitation or operations surface level is set at 51 AHD – this may constrain the maximum height permissible on the site.
  - d. The site is surrounded by a great diversity of fine grain residential typologies, such as single-storey cottages, 2-storey terraces and 3 to 4-storey residential flat buildings, which are carefully placed in relation to the natural slope of the area. With the exception of the 3-storey terraces proposed on site C, the proposal provides a homogenous 'big box' built form solution that lacks diversity, disregards the fine grain character in the vicinity and disregards the natural slope of the site.

#### **RECOMMENDATIONS**

The Panel provides the following recommendations:

1. Development Control Plan: A site-specific DCP for the site is recommended to ensure that the urban design solutions proposed at Planning Proposal stage will be realised at Development Proposal stage. Several of the recommendations provided below could be incorporated in the site-specific DCP.
2. Vision statement: The urban design report should be expanded to provide a carefully considered vision statement for the site in terms of environmental sustainability, solar access,

- architectural character, vocabulary of architectural materials, built form typology, pedestrian/vehicle connectivity, land uses etc. The vision statement could be included in the site-specific DCP for the site.
3. **Plaza:** Given the proposed location, RL and north-south orientation of the plaza, Council should consider the request for wind tunnel study to be provided (at Planning Proposal stage or DA stage) to ensure that a pleasant environment for people will be achieved. At DA stage, the plaza should be carefully designed by a well-known landscape architect to ensure that a high quality space and good pedestrian accessibility (particularly due to level changes between the plaza and Lane B) are achieved.
  4. **Deep soil zones, tree planting and landscaping:**
    - a. A clear strategy to establish a robust urban tree canopy and Ground Level deep soil zones for the site should be provided at Planning Proposal stage and should be included in the site-specific DCP. Most likely, opportunities for tree planting will occur on the streets (if footpaths are wide enough to accommodate them) or on front setbacks.
    - b. The front setback to Stanmore Road boundary should be increased (perhaps to 6.0m) to ensure that the existing trees and roots will be protected from excavation works. Although the appropriate setback should be determined by Council's tree officer, from a streetscape perspective, the Panel recommends the front setback to Buildings A and B to be consistent.
  5. **Car parking:** onsite parking for residents should be minimised given the good access to public transport, shops, and schools and the levels of congestion and traffic that exist in the area. A reduction in residential density will also assist in reducing the need for basement car parking spaces.
  6. **Height, density and setbacks:**
    - a. A 5-storey street wall height fronting onto Tupper Street, 2 x 4-storey buildings facing Stanmore Road and 2 to 3-storey terraces on site C are supported provided that:
      - i. The front setback to Tupper Street (Building C) is increased to 6 to 10m, rather than 4.5m, to allow tree planting (medium to large sized trees) and landscaping on the front boundary. This will ensure that the proposal is consistent with the predominant front setback (10m) and tree canopy/front yard character along Tupper Street.
      - ii. The side setback to Buildings A (corner with Alma Ave) and B (corner with Tupper St) is approximately 2.0m wide to provide some relief to the streets, greater separation from adjoining period buildings, and to create opportunities for landscaping.
      - iii. The front setback to Lane A (Building E) is increased to approximately 3.0m to allow north-facing courtyards/landscaped areas to the terraces.
    - b. A small portion of Building C (northwest corner) could accommodate a slightly taller element located at the rear so that the additional bulk is not visible from the street.
    - c. 3 to 4-storey buildings fronting onto Alma Avenue are recommended, rather than 5 storeys. The front setback to Alma Street (Building D) should be increased to at least 3.0m (ideally 4.5m) to allow small-sized tree planting and shrubs. This will achieve some level of consistency with existing front yards along Alma Ave and Harrington Street.
  7. **Built form typology:**
    - a. The built form and roof form of Buildings C and D should reflect the natural slope of the site, stepping down the slope, to reduce overall height of the buildings when viewed from public and private realms. As a result, Building C at the corner of Tupper Street and Lane A should

- be a maximum of 5 storeys (rather than 6-part-7 storeys), and Building D, at the corner of Alma Ave and Lane A should be a maximum of 4 storeys (rather than 5-part-6 storeys).
- b. Variation in parapet wall and/or roof form should be provided to create varied and interesting skyline that reflects the varied skyline in the vicinity.
  - c. At DA stage, the architectural expression and articulation of the buildings should emulate the fine grain built form typology found in the vicinity. This could be included in the vision statement and/or site-specific DCP.
8. Street profile:
- a. Lane B should be designed as a shared zone with flush kerbs and carefully detailed paving and landscaping design.
  - b. Proposed carriageway width of Lane A should be reduced from 8.0m wide to 5.5m to 6.0m wide, thereby increasing the width of footpaths and verges. If on-street parking is required, verge parking incorporating landscaping should be considered. A similar profile should apply to the widening of Alma Avenue.
9. Staging: Further clarification about whether the proposal will be staged or not should be provided at Planning Proposal stage.
10. Lot subdivision: At the end of the design and approval process there should be a re-subdivision of the site into smaller lots (Sites A, B and C). Basement car parking should be designed in accordance with the proposed lot subdivision. The site should not result in a single community or strata title scheme. This could be included in the site-specific DCP or as a condition of consent at Planning Proposal stage.
11. Heritage: the properties at 2 and 4 Tupper Street contain reasonably intact period buildings. Given they are not heritage listed items and are not in a heritage conservation area, demolition is permitted under exempt and complying development. It is recommended, therefore, that the proponent is requested to salvage materials of the period buildings that are in good condition, as advised by an independent heritage consultant and in consultation with Council's heritage advisor. These items should be sold to a second hand heritage supplier and proof of the sales transaction should be submitted to Council. This could be included in the site-specific DCP or as a condition of consent.

**SUMMARY**

Street connectivity and pedestrian permeability are the aspects of the proposal that have developed most since Pre-Planning Proposal and are supported. The aspects of the proposal that need further development are deep soil zones, tree planting and landscaping; basement car parking and street profile; height, density and setbacks; built form typology; and vision statement. The Panel provided several recommendations above.

**INNER WEST COUNCIL  
ARCHITECTURAL EXCELLENCE PANEL (FORMER MARRICKVILLE LGA) - REPORT**

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|                                   |  |
|-----------------------------------|--|
| <b>Site Address:</b>              | 58-76 Stanmore Road, Marrickville  |
| <b>Proposal:</b>                  | <u>Review of additional information submitted to Council in response to comments provided in December 2016</u><br>Planning Proposal relating to properties at 58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Avenue, Stanmore, to amend the MLEP 2011 to rezone the land to part B4 Mixed Use and part R1 General Residential; increase Floor Space Ratio of 1.8:1 across the site; increase Height of Building to 27 metres for part of the site; include an Additional Permitted Use of 'residential flat building' to permit its redevelopment for a mixed use development comprising 5 buildings including a 4 storey mixed use premises including new club premises and commercial floor space on the northern portion of the site facing Stanmore Road; residential accommodation up to 9 storeys in the central portion of the site; three storey residential accommodation to the southern portion of the site; two new laneways traversing the site; public plaza and associated landscaping and car parking. |
| <b>File Reference:</b>            | DA201600244  |
| <b>Planning Officer:</b>          | Maxine Bayley  |
| <b>AEP Members in attendance:</b> | Peter Ireland (Principal, AJ+C Architects)<br>Jocelyn Jackson (Practice Director, TKD Architects)<br>Renata Ferreira (Urban Design and Heritage Advisor, Inner West Council – Chair)   |
| <b>Site Inspection Date:</b>      | N/A  |
| <b>Report Date:</b>               | 23 March 2017  |
| <b>TRIM:</b>                      | 29793.17   |

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**DISCUSSION**

The Panel has previously provided comments at Pre-Planning Proposal (TRIM 143193.15) and Planning Proposal (TRIM 77578.16). The applicant has recently submitted letters outlining their response to Council's and AEP's recommendations – amended plans have not been provided. The Panel provides the following responses to the applicant's letters (This report should be read in conjunction with AEP report dated 8 July 2016 TRIM 77578.16):

1. Site-specific Development Control Plan: The preparation of a site-specific DCP, revision of the urban design report and preparation of a vision statement post-Gateway is supported.

1

2. Car Parking: Panel's recommendations regarding minimisation of onsite car parking remain the same as provided in the report dated 8 July 2016. In addition, the Panel is of the view that the proposed car parking podium results in a poor streetscape and built form outcome and should be reconsidered. Any area of car parking space (podium) that sits more than 1.0m above existing Ground Level should be counted as GFA and as a floor level.
3. Setbacks:
  - a. Buildings A and B: side setback to Building A (corner with Alma Ave) and Building B (corner with Tupper Street) to be 2.0m wide to provide some relief to the streets, greater separation from adjoining period buildings, potentially wider footpath, and to create opportunities for landscaping. Front setback to Stanmore Road boundary should be determined to ensure that the existing trees and roots are protected from excavation works. Although the appropriate setback (4.5m or greater) should be determined by Council's tree officer, from a streetscape perspective, the Panel recommends the front setback to Buildings A and B to be consistent.
  - a. Building C: front setback to Tupper Street to be 5.0m to ensure some consistency with the existing streetscape character and allow the provision of a well-sized front yard to the Ground Level units, tree planting and landscaping.
  - b. Building D: front setback to Alma Ave to be 3.0m to ensure consistency with the existing streetscape character of nearby streets, provide adequate separation and visual relief between new higher-density buildings and existing low-density buildings along Alma Ave (particularly given that Alma Ave will be 10.0m wide only) and allow the provision of a small front yard to the Ground Level units and landscaping.
  - c. Building E: the intent to provide a 3.0m wide front setback to Lane A is supported as this will allow north-facing courtyards/landscaped areas to the terraces and provide visual relief and separation between the buildings fronting the lane. Side setback to Tupper Street to be 5.0m.
4. Heights and FSR:
  - a. The Panel maintains its view that an 8 to 9-storey building on the subject site is over-scaled and does not fit with the existing context nor the desired future character for the area. It is recommended that building heights are as follows:
    - i. Buildings A and B: maximum of 4-storeys (14m).
    - ii. Building C: maximum of 5-storeys with a six-storey element set back a minimum of 3.0m from Tupper Street front boundary and 6.0m from Lane A side boundary.
    - iii. Building D: maximum of 4-storeys (14m).
    - iv. Building E: maximum of 3-storeys (11m).
  - b. The Panel does not view favourably the provision of a car parking podium and is of the view that the podium will create unreasonable bulk, height and amenity impacts to the streetscape. If a car parking podium is inevitable in some points, the podium should be no higher than 1.0m from the existing ground level.
  - c. In the Panel's experience, a single height and FSR limit across the site could potentially create several problems for Council at DA stage. It is recommended that the LEP indicates separate height limits (in metres - measured from existing ground level) and FSR for sites A, B and C. Site B is 60m wide and the Panel recommends the height limit to site B be split in two portions that are 30m in width each. The portion fronting Alma Ave to be 14m high (4-storeys maximum) and the one fronting Tupper Street to be 20m high (6-storeys maximum). Heights for sites A and C to be 14m and 11m, respectively.

- d. The proposal does not adequately demonstrate how GFA and FSR have been calculated. In drawing number PP403, it is unclear whether the lanes have been included in the calculations and if so, on which site (gross FSR, net FSR or net-net FSR?). Detailed GFA/FSR calculation plans should be provided. Amendments to FSR calculation will be required to address the recommendations for height and setbacks discussed above.
  - e. There appears to be some inconsistencies between the height diagrams, 3Ds, architectural plans and FSR calculations.
5. Lanes:
- a. As stated by the Panel previously, street connectivity and pedestrian permeability through the provision of two east-west lanes (Lanes A and B) and the widening of Alma Ave are the aspects of the proposal that have developed most since Pre-Planning Proposal and are considered good public benefits associated with the Planning Proposal. In order to give greater certainty to Council that the lanes and road widening will be implemented, it is recommended that, in addition to the inclusion of these elements in a site-specific DCP, a VPA agreement is entered between Council and the proponent.
6. Deep soil zones, tree planting and landscaping:
- a. A clear strategy to establish a robust urban tree canopy and Ground Level deep soil zones for the site should be provided at Planning Proposal stage and should be included in the site-specific DCP. Most likely, opportunities for tree planting will occur on the streets (if footpaths are wide enough to accommodate them) or on front setbacks (provided that the basement car parking is designed accordingly). The Panel recommends that, if 'deep soil planter boxes' are provided, it should be part of a comprehensive landscape proposal.
7. Design Competition: given the scale and importance of the project, it is recommended that an urban designer, an architect and a landscape architect are involved throughout the Planning Proposal process. Additionally, it is recommended that a condition of consent at Planning Proposal stage be included (should the PP is approved) requesting the engagement of an urban designer and two to three different architects at Pre-DA and DA stages.
8. Further urban design recommendations can be provided for the Site-specific DCP.

#### **CONCLUSION**

The Panel's review of the letters by the applicant in response to comments provided in 2016 concludes that the proposal could not be supported. This report provides high-level guidance/recommendations on how the Planning Proposal could be amended in order to be supported.





Our Ref: 0125/14 ltr 4

15 June 2017

The Interim General Manager and the Administrator  
Inner West Council  
c/- Marrickville Branch  
PO Box 14  
PETERSHAM NSW 2049

*Attention: Maxine Bayley – Strategic Planner*

Dear Maxine,

**ADDITIONAL INFORMATION  
APPLICATION FOR A PLANNING PROPOSAL – CYPRUS CLUB, STANMORE**

This letter presents the final details of the abovementioned application as an outcome of discussions and correspondence with Council during the assessment process and in particular the recommendations of the Architectural Excellence Panel (AEP) and our most recent meeting with Council staff held on 8 June 2017.

On behalf of the applicant, the Cyprus Community of NSW Ltd, we request that the contents of this letter (including attachments) and the application for a Planning Proposal be reported to the next available Council meeting agenda.

The final urban design concept shown in the attached plans prepared by Kennedy Associates Architects graphically demonstrates the conceptual built form envelopes and associated potential planning controls sought to guide the future redevelopment of the site in a strategic and coordinated manner.

The urban design concept for the final proposal has been developed from the building envelopes and design recommendations provided to date by Council staff and the AEP. This feedback has been incorporated into evolving architectural models for the master planning of the site to result in the 'Proposed' Scheme as presented in the attached graphics.

The only points of difference between the Council/AEP recommended building envelopes and the Proposed Scheme relate to the height of buildings on the northern portion of the site and are as follows:

- one (1) additional recessed storey to each of Buildings A, B and D;
- 1.5 additional recessed storey to Building C; and
- Rooftop communal open space and facilities for access to that space on Buildings C and D.

The potential impacts of the abovementioned differences in building height have been evaluated both qualitatively and quantitatively to demonstrate that the potential impacts are minimal as follows:

- The additional floors are to be recessed from the edges of the building floorplate below to:
  - avoid additional overshadowing and prevent overlooking;
  - to obscure the additional levels from typical lines of sight as viewed from the surrounding streets;
  - to provide opportunities for 'planted edges' to the upper levels of the building façade and integrate landscaping opportunities with the external facades of the buildings;
- Rooftop communal open space areas add to the variety of recreational spaces available to future residents and are centrally located for practical and equitable access and well separated from neighbouring properties;
- The additional floors can be treated with external colours and materials to reflect the recommendations of the Apartment Design Guide with respect to architectural roof features and further reducing the visual impact;
- No increase in overall site coverage and same landscaped areas, deep soil planting zones and open space areas as the AEP footprints;



PLANNING INGENUITY

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- Ability to achieve compliant separation distances within the site subject to finer grained architectural treatment and layouts;
- Logistically practical to locate additional apartments close to the rooftop communal open space areas and sharing vertical circulation space with lower levels;
- Density and yield has been supported by the draft Traffic and Parking Impact Assessment prepared by TRAFFIX and previously submitted to Council; and
- Preliminary feedback from Sydney Airports indicates that a Controlled Activity Permit can be supported for the proposed building height.

This master planned scheme represents the best opportunity to redevelop the site as a coordinated project delivering public benefits which are highly relevant to the subject site and surrounds. As the best redevelopment opportunity it is strategically prudent and environmentally responsible to ensure that the redevelopment optimises the infill capacity of the site. As explained above, the proposed scheme will deliver the same qualitative planning outcomes as the Council/AEP scheme with the additional benefits of slightly more uplift and a more economic use of the site.

#### 1. Setbacks

Setbacks are indicated on Sheets PP501 and PP503 and demonstrate a commitment to adopt all the setbacks as recommended by Council and the AEP (indicated in blue on Sheet PP503).

Sheet PP503 also includes commitments to additional setbacks not previously specified by Council or the AEP (indicated in red on Sheet PP503). These additional setbacks will achieve building separations that are compliant with the requirements of State Environmental Planning Policy No.65 (Design Quality of Residential Apartment Development) (SEPP 65) and the associated Apartment Design Guide (ADG). The proposed upper level setbacks have also been selected to achieve a high degree of articulation in building form, upper storeys that are visually recessive in the streetscape, solar penetration to and through the site and structures which enable the rooftops of Buildings C and D to be effectively used for communal open space.

All setbacks can be included in a site-specific development control plan which is anticipated to be prepared in collaboration with Council's Strategic Planning staff to be publicly exhibited with the draft Planning Proposal.

#### 2. Height of Buildings

Sheet PP501 contains two diagrams which compare potential external building envelopes applying the setbacks as detailed in (1) above. The diagram depicting the building envelopes as recommended by the AEP is titled 'height-AEP' and the diagram depicting the building envelopes sought by this final version of the application for a Planning Proposal is titled 'height – Proposed'. Both are included in the extract contained in Figure 1.

Building envelopes set the outermost parameters within which massing and Gross Floor Areas (GFA) can be manipulated to achieve optimum outcomes for specific land uses and layouts.

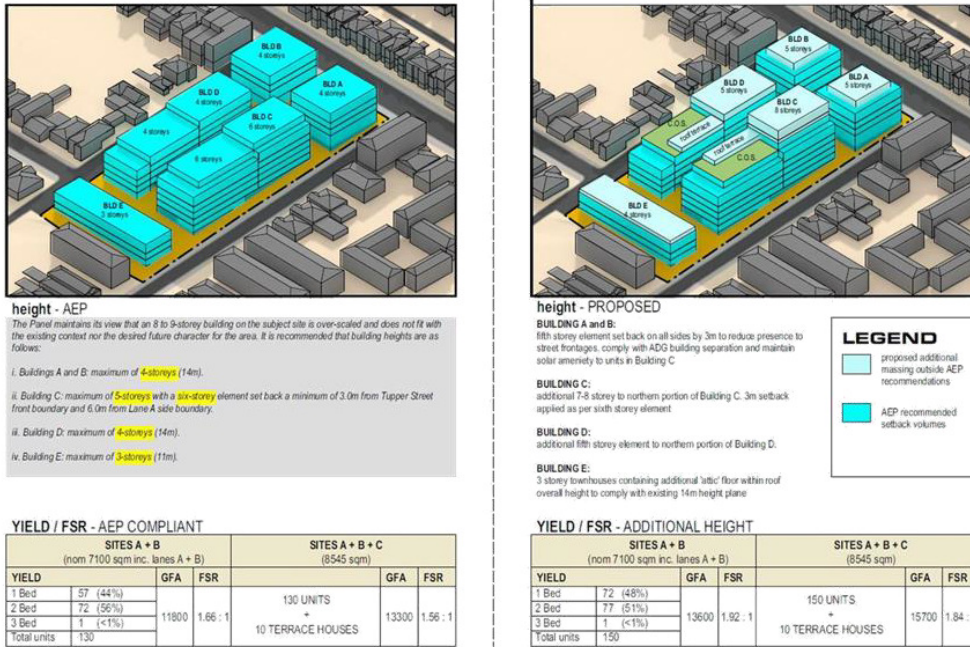


Figure 1: Extract from Sheet PP501 comparing AEP recommended building envelopes and proposed building envelopes

The Yield Data from each of the AEP recommended option and the Proposed Option are shown in tables below the diagrams and are included in Figure 1. The yield data has been generated by applying detailed land use layouts including:

- private and communal open space areas;
- land dedicated for future public roads, footpath reserves and a public plaza;
- new club premises and active ground floor uses along Stanmore Road;
- new apartment layouts including private and communal open space areas; and
- space for utilities, services, circulation and other activities ancillary to the proposed land use mix.

The yield estimates show the AEP compliant building envelopes achieve a Floor Space Ratio (FSR) of 1.56:1. The proposed building envelopes result in a FSR of 1.84:1.

Feasibility assessments have been undertaken for both the potential yield scenarios and have concluded that a FSR of 1.56:1 is not sufficient to support a financially viable redevelopment scheme that retains the Club and provides the significant site-specific public benefits package proposed. Therefore this application proposes the building envelopes which will potentially deliver a maximum FSR of 1.84:1 over the entire site. These envelopes have been tested in urban design terms and are considered to be acceptable particularly in terms of potential compliance with the ADG.

Raw data and calculations of the feasibility assessment are subject to 'commercial in confidence' arrangements with Cyprus Community of NSW Ltd and the project participants but may be provided to Council in some form should this information be essential to Council's decision. The feasibility assessment has factored in matters including but not limited to:

- the acquisition costs of the existing electricity substation and reconstruction of a substation within the redevelopment site which have been estimated by Ausgrid to be in excess of \$1 million;

- the construction and dedication of new public roads, footpath reserves and a new public plaza within the development site and other potential public benefits based on the details of a future Voluntary Planning Agreement; and
- the contribution towards affordable housing as specified in Council's recently adopted 'Affordable Housing Policy' (despite this Policy not having been subject to public exhibition at the time of lodgement of this application for a Planning Proposal).

As explained below, the proposed FSR is to be further controlled within the site by the provisions of a site-specific DCP to deliver building mass which best responds to the topography, scale of existing and likely future built form, public road and footpath network and positive impacts on the streetscape, solar access and the quality of landscaping and open space areas throughout the site.

The proposed building heights have been examined in relation to accommodating specific finished levels of external and internal spaces including:

- compatibility with levels of the existing public roads and footpaths in terms of landscaped setbacks, vehicle access and egress, accessible paths of travel to, from and through the site, finished floor levels floor publicly accessible buildings ;
- floor and ceiling levels for minimum clearances and compliance grades for basement car parking and waste servicing;
- floor levels relative to surrounding private and common space areas; and
- floor and ceiling heights and lift overruns for structural/Building Code compliance.

This finer grained analysis of potential building heights has provided a level of detail not considered by the AEP. This analysis has resulted in the proposed building heights shown on Sheet PP504 and translated into a draft Height of Buildings Map amendment as shown on Sheet PP505. It is the proposed draft Height of Buildings Map as shown in Sheet PP505 which the applicant requested to be reported to Council for consideration.

Building envelopes in elevation form as recommended by the AEP and as 'Proposed' by this application are shown in Sheet PP502 to demonstrate that there is very little difference in the comparative scale of the two building envelopes. These diagrams show that the additional proposed height combined with the proposed upper level setbacks result in the uppermost levels being well recessed from the outer edges of Buildings A to D resulting in minimal change to solar access, visual impacts/streetscape and microclimatic impacts in comparison to the AEP building envelopes.

Furthermore, Council has scope to further control the number of storeys throughout the master planned site as part of a future site-specific DCP. Such DCP controls and objectives would be effective in refining the overall built form including basement levels, sleeving of podiums and rooftop treatments to gain a greater level of control with regard to overall building height and changes to building height throughout the site. The site-specific DCP approach is typical for large urban infill sites and significant weight is expected to be given to those controls in any future assessment of development applications.

### 3 Floor Space Ratio

As described in (2) above, a potential FSR of 1.84:1 over the entire site has been estimated from the yield data. The proposed draft amendment to the Floor Space Ratio map to the MLEP 2011 is shown in Sheet PP508. The proposed amendment seeks a transition in density which is compatible with the capacity of the site and the characteristics of future proposed land uses including the mixed use buildings on the northern-most portion of the site, residential flat buildings through the centre of the site and multi-dwelling housing on the southern portion of the site. The proposed distribution of FSR is also compatible with the proposed setbacks and separation distances and the proposed provision of open space areas (as shown in Sheet PP507) which will result in open space areas of suitable proportions to balance and offset the scale of future buildings.

### 4 Voluntary Planning Agreement

A letter of offer has been provided to Council confirming a commitment to enter into a Voluntary Planning Agreement (VPA) linked to the potential uplift as well as the public benefits proposed to be delivered directly

by the master planned scheme. Should the application receive a positive Gateway determination, the applicant intends to progress a draft VPA with Council that may be subject to public exhibition concurrently with the draft Planning Proposal.

The potential public benefits of this master planned scheme are considered to far outweigh the contributions which may be levied on a piecemeal basis with other fragmented redevelopment options. Furthermore, based on the feasibility analysis, a reduction in density to the AEP scheme would preclude the capacity to deliver the uplift GFA and the specific elements flagged as potentially offered with the VPA.

#### **5. Project Feasibility**

As stated in the Executive Summary of the application for a Planning Proposal, the feasibility of the redevelopment project as a single master planned scheme is highly dependent upon a collaborative agreement established by the Cyprus Community of NSW Ltd. This agreement includes a new premises for the Club and a staged, master planned redevelopment scheme which delivers ongoing returns to the Club and sustains their operations as the Club re-establishes its operations and services to the community.

There are alternative options available to the Club including the subdivision and sale of the site and the relocation of the club with or without acting on the Development Consent DA2008/00531. DA2008/00531 permits a mixed use development of up to four storeys with a two level basement on the northern portion of the site at a density of 0.67:1 over No.5-9 Alma Avenue and a density of 1.27:1 over 58-76 Stanmore Road. That scheme has not proceeded as it clearly does not support the ongoing viability of the Club. In addition, there are substantial strategic planning and community benefits that have not been provided in the previous scheme and which stand to be realised through the redevelopment scheme sought to be facilitated by this application for a Planning Proposal and the Club requests Council to take these potential benefits into consideration.

We trust this letter in conjunction with the original and revised Planning Proposal application plus additional information responses to date provides Council with all the information necessary to include the application in the next available Ordinary Meeting Agenda. We thank you for the opportunity for ongoing discussions and to provide additional information throughout the course of the assessment process. Should you require any further clarification, please do not hesitate to contact our office.

Yours faithfully,

**Planning Ingenuity Pty Ltd**

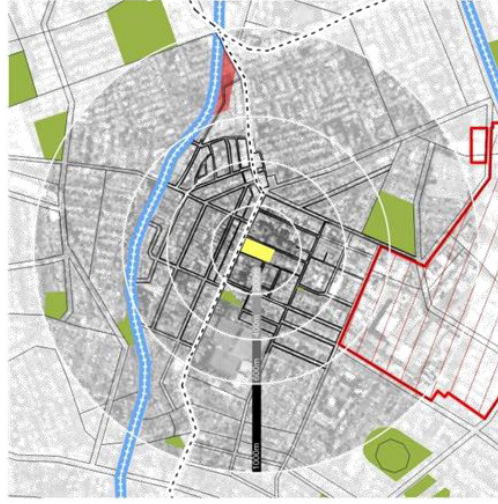


Jeff Mead

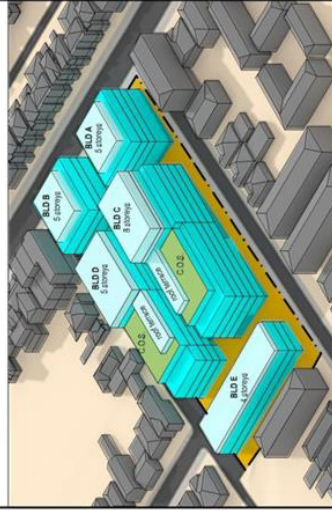
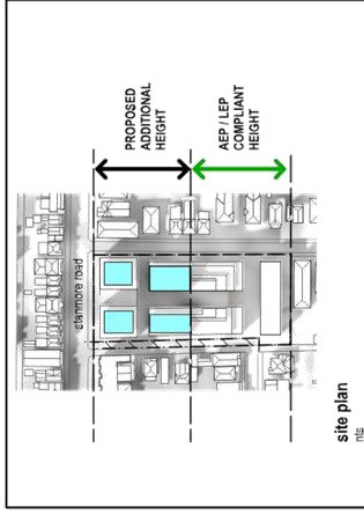
**MANAGING DIRECTOR**

**Att. Graphics by Kennedy Associates Architects**

**58-76 STANMORE ROAD, STANMORE  
PLANNING PROPOSAL**



Item 8



**height - PROPOSED**

**BUILDING A and B:** set back on all sides by 2m to reduce presence to street frontages, comply with ADG building separation and maintain solar amenity to units in Building C.

**BUILDING C:** additional 7-8 storey to northern portion of Building C, 3m setback applied as per sixth storey element.

**BUILDING D:** additional fifth storey element to northern portion of Building D.

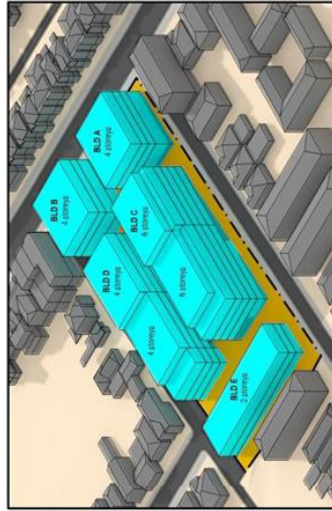
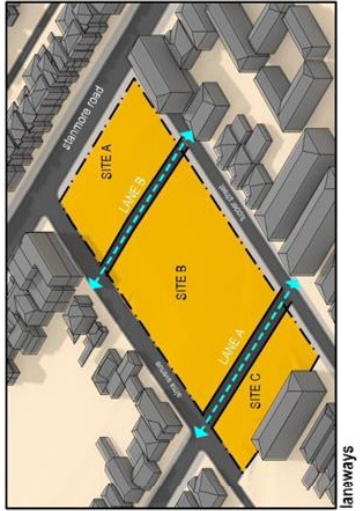
**BUILDING E:** 3 storey townhouses containing additional 'sic' floor within roof overall height to comply with existing 4m height plane.

**LEGEND**

- proposed additional missing outside AEP recommendations
- AEP recommended setback volume

| SITES A + B + C (8545 sqm) |            |                   |       |
|----------------------------|------------|-------------------|-------|
| YIELD                      | GFA        | FSR               | FSR   |
| 1 Bld                      | 72 (48%)   | 150 UNITS         | 15700 |
| 2 Bld                      | 77 (51%)   | 13600             | 132:1 |
| 3 Bld                      | 1 (<1%)    | 10 TERRACE HOUSES | 184:1 |
| <b>Total units</b>         | <b>150</b> |                   |       |

Attachment 7

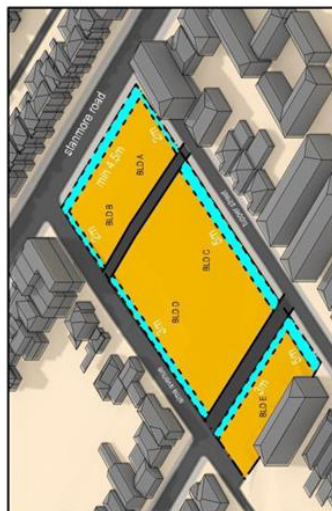
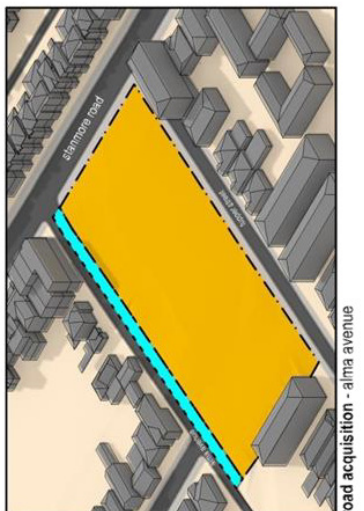


**height - AEP**

The Plan recommends its view that a 9 to 9.5 storey building on the subject site is oversized and does not fit with the existing context nor the desired future character for the area. It is recommended that building heights are as follows:

- Buildings A and B: maximum of 4 storeys (14m).
- Building C: maximum of 5 storeys with a 2nd storey element set back a minimum of 2.0m from Tupper Street front boundary and 6.0m from Lane A side boundary.
- Building D: maximum of 4 storeys (14m).
- Building E: maximum of 3 storeys (11m).

| SITES A + B (nom 7100 sqm inc. lanes A + B) |            |                   |        | SITES A + B + C (8545 sqm) |       |        |        |
|---|------------|-------------------|--------|----------------------------|-------|--------|--------|
| YIELD                                       | GFA        | FSR               | FSR    | YIELD                      | GFA   | FSR    | FSR    |
| 1 Bld                                       | 57 (44%)   | 130 UNITS         | 13300  | 150 UNITS                  | 15700 | 156:1  | 156:1  |
| 2 Bld                                       | 72 (55%)   | 11800             | 1:66:1 | 13600                      | 132:1 | 1:56:1 | 1:56:1 |
| 3 Bld                                       | 1 (<1%)    | 10 TERRACE HOUSES | 184:1  | 10 TERRACE HOUSES          | 184:1 | 1:84:1 | 1:84:1 |
| <b>Total units</b>                          | <b>130</b> |                   |        | <b>150</b>                 |       |        |        |



**setbacks - AEP**

- Building A and B: side setback to Building A (corner with Alma Ave) and Building B (corner with Tupper Street) to be 2.0m wide to provide some relief to the streets, greater separation from adjoining period buildings, potentially wider footpath, and to create opportunities for landscaping. Front setback to Stanmore Road boundary should be determined to ensure that the existing trees and roads are protected from excavation works. Although the appropriate setback (4.5m or greater) should be determined by Council's tree officer, from a streetscape perspective, the Plan recommends the front setback to Buildings A and B to be consistent.
- Building C: front setback to Tupper Street to be 6.0m to ensure some consistency with the existing streetscape character and allow the provision of a well-sized front yard to the Ground Level units; tree planting and landscaping.
- Building D: front setback to Alma Ave to be 3.0m to ensure consistency with the existing streetscape character of nearby courtyards and side streets, to provide a clear relief and separation between the buildings and the low-density buildings along Alma Ave particularly given that Alma Ave will be 10.0m wide only and allow the provision of a small front yard to the Ground Level units and landscaping.
- Building E: front setback to Alma Ave to be 3.0m wide front setback to Lane A is supported as this will allow north-facing courtyards and side streets, to provide a clear relief and separation between the buildings and the low-density buildings along Alma Ave particularly given that Alma Ave will be 10.0m wide only and allow the provision of a small front yard to the Ground Level units and landscaping.

**YIELD / FSR - AEP COMPLIANT**

| SITES A + B (nom 7100 sqm inc. lanes A + B) |            |                   |        | SITES A + B + C (8545 sqm) |       |        |        |
|---|------------|-------------------|--------|----------------------------|-------|--------|--------|
| YIELD                                       | GFA        | FSR               | FSR    | YIELD                      | GFA   | FSR    | FSR    |
| 1 Bld                                       | 57 (44%)   | 130 UNITS         | 13300  | 150 UNITS                  | 15700 | 156:1  | 156:1  |
| 2 Bld                                       | 72 (55%)   | 11800             | 1:66:1 | 13600                      | 132:1 | 1:56:1 | 1:56:1 |
| 3 Bld                                       | 1 (<1%)    | 10 TERRACE HOUSES | 184:1  | 10 TERRACE HOUSES          | 184:1 | 1:84:1 | 1:84:1 |
| <b>Total units</b>                          | <b>130</b> |                   |        | <b>150</b>                 |       |        |        |

scheme summary

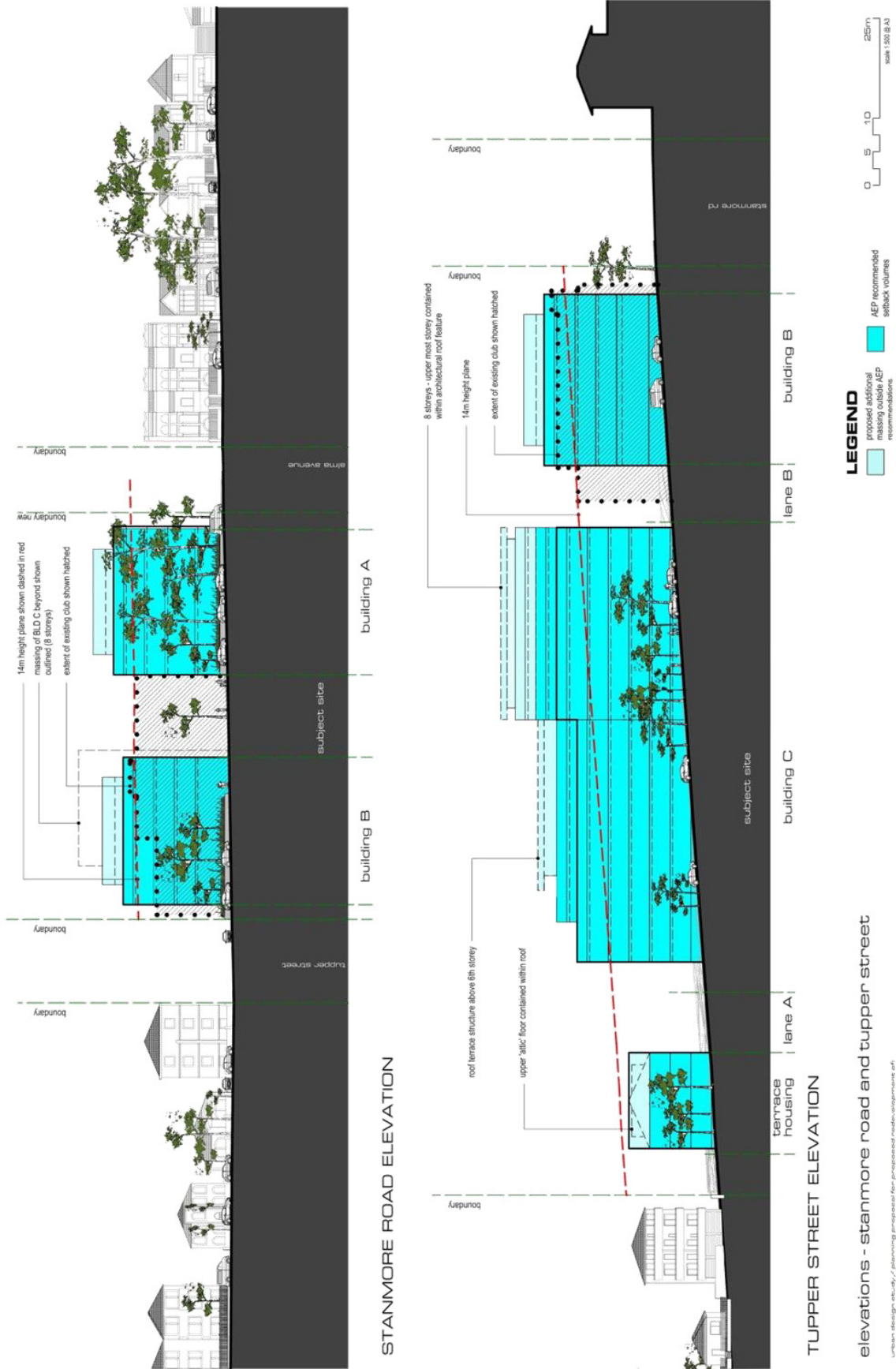
Urban design study / planning proposal for proposed redevelopment of...

58-76 stanmore road, STANMORE

Kennedy associated architects level 3 / 1 booth street, ANNANDALE 2008 p + 61 2 9557 6466 f + 61 2 9557 6477 nominated architects - stawa kennedy - registration no. 56638

1 1446 - PP 501

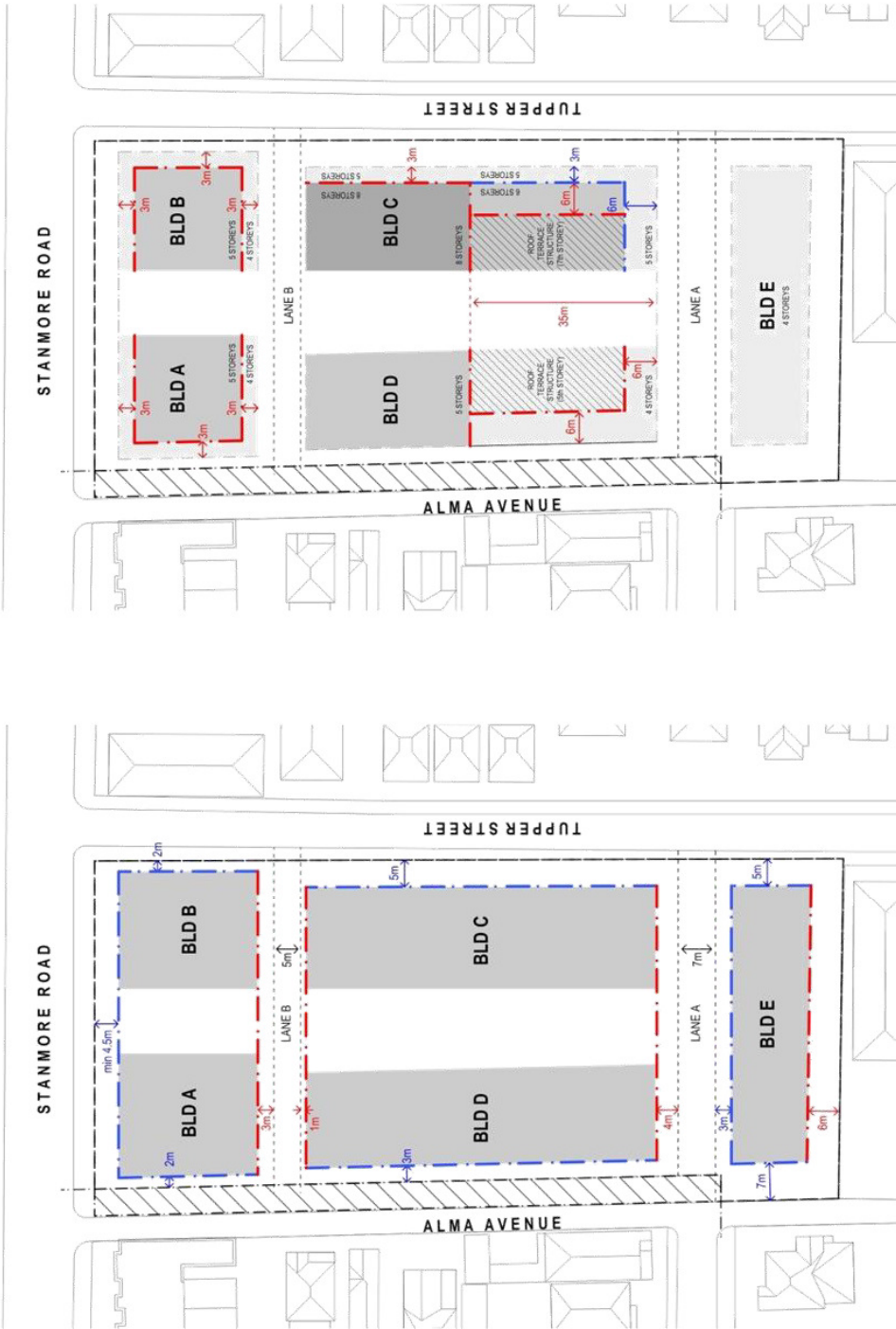
June 2017



58-76 stanmore road, STANMORE  
 kennedy associates architects level 3 / 1 boath street annandale 2008 p - 61 2 9507 6498 f - 61 2 9507 6477 nominated architect - steve kennedy - registration no. 0603

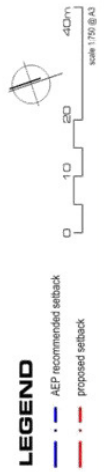
1446 - PP 502  
 June 2017





**B** UPPER LEVELS

**A** LOWER LEVELS

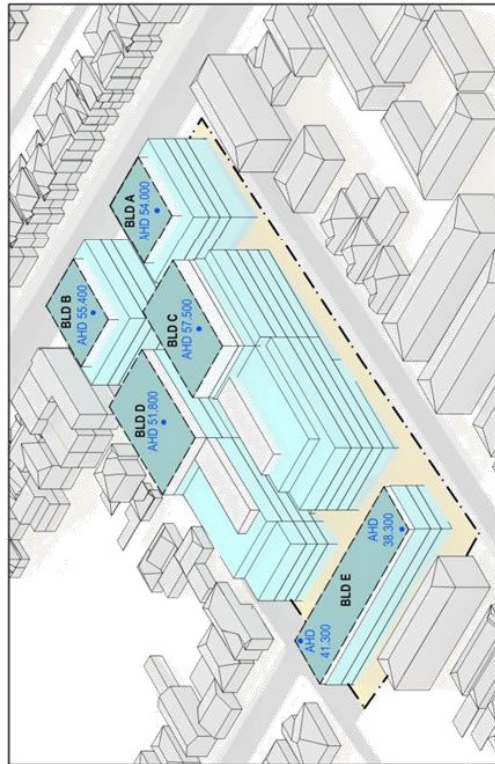


proposed setbacks

Urban design study / planning proposal for proposed residential development

58-76 stanmore road, STANMORE  
 Kennedy architects level 3 / 1 booth street, annandale 2038 p + 61 2 9557 6488 f + 61 2 9557 6477 nominated architect - steve kennedy - registration no. 56528

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 June 2017



proposed building heights - AHD

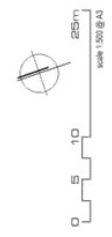
Urban design study / planning proposal for proposed residential development at:

**58-76 stanmore road, STANMORE**

kennedy architects level 3 / 1 tophi street annandale 2008 p - 01 2 8507 6456 f - 01 2 8507 6477 nominated architect - steve kennedy - registration no. 0659

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June 2017



site plan / communal open space

urban design study / planning proposal for proposed redevelopment of:  
**58-76 stanmore road, STANMORE**  
 Kennedy Associates Architects Level 3 / 1 Booth Street, Annandale, NSW 1585  
 Kennedy Architects Level 3 / 1 Booth Street, Annandale, NSW 1585

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 June 2017



proposed building heights - LEP

Urban design study / planning proposal for proposed roads, development of:  
**58-76 stanmore road, STANMORE**

kennedy associates architects level 3 / 1 tophi street annandale 2008 p - 61, 2 6507 6456 f - 61 2 6507 6477 nominated architect - steve kennedy - registration no. 0653

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June 2017



| SITE AREA                        | SITE A (inc lane B)<br>2425 sqm | SITE B (inc lane A)<br>4875 sqm | SITE C<br>1450 sqm | SITES A+B+C<br>nom 8550 sqm |
|----------------------------------|---------------------------------|---------------------------------|--------------------|-----------------------------|
| PROPOSED NOMINAL PERMISSIBLE GFA | 4250 sqm                        | 9350 sqm                        | 2100 sqm           | 15700 sqm                   |
| PROPOSED FSR                     | 1.75:1                          | 2.0:1                           | 1.45:1             | 1.44                        |

proposed FSR

Urban design study / planning proposal for proposed redevelopment of

58-76 stanmore road, STANMORE

Kennedy associates architects level 3 / 1 booth street, annandale 2038 p + 61 2 9637 6488 f + 61 2 9637 6477 nominated architect - steve kennedy - registration no. 56638

1446 - PP 507  
June 2017



Our Ref: 0125/14 Itr 6

9 February 2017

The Administrator  
Innerwest Council  
c/- Marrickville Branch  
PO Box 14  
PETERSHAM NSW 2049

*Attention: Maxine Bayley – Strategic Planner*

Dear Maxine,

**LETTER OF OFFER – VOLUNTARY PLANNING AGREEMENT  
IN ASSOCIATION WITH AN APPLICATION FOR A PLANNING PROPOSAL  
CYPRUS CLUB, STANMORE ROAD, STANMORE**

We act on behalf of the Cyprus Community of NSW Ltd with respect to the lodgement of an application for a Draft Planning Proposal for land at Stanmore Road, Stanmore. This is a letter of offer to enter into negotiations for a Voluntary Planning Proposal (VPA) in conjunction with the application for a Draft Planning Proposal. This initial letter of offer takes into consideration on-going discussions with Council staff and Council's feedback during the assessment process to date.

The VPA is to be in connection with land formally identified in Section 2.0 below and herein referred to as the site.

The site is anticipated to receive uplift in development potential in conjunction with an application for a draft Planning Proposal lodged with Council in May 2016.

The VPA will be in addition to Council's Section 94A Contribution Plan.

The following sets out the key terms of the proposed VPA:

**1.0 Parties to the Planning Agreement**

- Inner West Council
- Cyprus Community of NSW Ltd

**2.0 Land to which the VPA relates**

- Lots A and B in Deposited Plan 308880;
- Lot 1 in Deposited Plan 167529;
- Lots 1, 2 and 3 in Deposited Plan 444675;
- Lot 1 in Deposited Plan 971516;
- Lot 1 in Deposited Plan 105806;
- Lot 1 in Deposited Plan 121240;
- Lots 1 and 2 in Deposited Plan 301956;
- Lot 1 in Deposited Plan 119242;
- Lot 1 in Deposited Plan 923826; and
- Lots C and D in Deposited Plan 308880.



PLANNING INGENUITY

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Miranda NSW 2228  
P 02 9531 2555

Suite 6, 65-67 Burelli St  
Wollongong NSW 2500  
P 02 4254 5319



The site is shown outlined in red in the locality plan in Figure 1.



Figure 1: Land to which the VPA relates

**3.0 Development to which the VPA relates**

A Design Scheme for potential new building envelopes are attached to this letter and are also contained in the application for a draft Planning Proposal. In summary the application for a Planning Proposal seeks to facilitate 2 x four-storey mixed use buildings fronting Stanmore Road, residential flat buildings of four to nine storeys in the centre of the site and three-storey multi dwelling housing along the southern edge of the site.

New publicly accessible spaces are proposed to be created throughout the site including two new vehicle and pedestrian through-site links between Alma Avenue and Tupper Street and a publicly accessible plaza area between the two buildings fronting Stanmore Road.

**4.0 Nature and extent of development contributions and timing of delivery**

The monetary contributions and/or works-in-kind are to be informed by the pre-lodgement feedback provided by Council dated 2 February 2016 which recommended the following:

- Improvements to other areas of public open space in the vicinity of the development such as Enmore Park and Ryan Playground;
- Improvements to the public domain surrounding the site particularly the key movement routes of Stanmore and Enmore Roads;
- The provision of affordable housing within the site; and

- Dedicated space for community use to meet needs identified in the Facilities Needs Research – Strategic Directions for Marrickville Report (June 2012).

We acknowledge the above options and anticipate further discussion regarding these and other matters which have potential public benefit associated with the application for a Planning Proposal.

#### **5.0 Application of s94, s94A or s94EF**

The cost of development is not yet known. However, it is anticipated that the VPA will, in accordance with Section 94F(3)(d), be in addition to the application of Section 94 and Section 94A of the *Environmental Planning and Assessment Act 1979* to the development.

#### **6.0 Additional Community Benefits**

Additional community benefits are anticipated to be created from future redevelopment of the site and may include:

- Additional housing supply and choice contributing to improved housing affordability;
- Additional commercial floor space contributing to the vitality of the commercial core;
- Mixed uses and active street frontages which contribute to the vibrancy, safety and security of the site and surrounds;
- Additional off-street parking, safe vehicle access and egress, traffic management devices and changes to intersections to Stanmore Road to improve the safe movement of traffic to and from the site; and
- Provision of road widening and a new footpath to Alma Avenue.

#### **7.0 Costs**

It is anticipated that the VPA will include provisions for the payment of costs of, and incidental to, negotiation, preparation and entering into the agreement as well as administration and enforcement of the VPA from a date to be determined.

Should you have any questions regarding this letter please contact me direct at our offices on Phone 9531 2555 or by email [jeff@planningingenuity.com.au](mailto:jeff@planningingenuity.com.au)

Yours faithfully,

**Planning Ingenuity Pty Ltd**



Jeff Mead

**MANAGING DIRECTOR**